



## Description of Services Ordered and Certification Form 471

## FCC Form 471 — Funding Year 2016

Application Number 161017180

Application Information

Nickname WRY19-102INTACCESS

Application Number 161017180

Funding Year 2016

Category of Service Category 1

Billed EntityWEST RUSK CCISD  
PO BOX 168 10705 S. Main NEW LONDON TX 75682-0168Contact InformationMartha Labbit  
936-560-4162  
martha.labbit@suddenlink.net

Billed Entity Number: 226378

FCC Registration Number: 0015113343

Holiday/Summer Contact Information

936-560-4162

Consulting Firms

Name	Consultant Registration Number	City	State	Zip Code	Phone Number	Email
Educational Planners, Inc.	16081740	Nacogdoches	TX	75965	936-560-4162	martha.labbit@suddenlink.net

School District

Name	BEN	Urban or Rural	State LEA ID	State School ID	NCES Code	School District Attributes	Endowment
WEST RUSK CCISD	226378	Rural				Public School District	None

Related Child School Entities

Name	BEN	Urban or Rural	State LEA ID	State School ID	NCES Code	Number of Students	Students based on estimate	Alternative Discount	CEP Percentage	School Attributes	Endowment
WEST RUSK JUNIOR HIGH	86777	Rural				239	N/A	None		Public School	None
WEST RUSK PRIMARY SCHOOL	86778	Rural				278	N/A	None		Public School; Pre-K ; Head Start	None

WEST RUSK HIGH SCHOOL	86779	Rural				325	N/A	None		Public Sch ool	None
WEST RUSK INTERMEDIA TE	140701	Rural				273	N/A	None		Public Sch ool	None

### Discount Rate

School District Enrollment	School District NSLP Count	School District NSLP Percentage	School District Urban/ Rural Status	Category One Discount Rate	Category Two Discount Rate	Voice Discount Rate
1115	841	76.0%	Rural	90%	85%	50%

## Funding Request for FRN #1699031014

Funding Request Nickname: WRY19-102INTACCESS

Service Type: Data Transmission and/or Internet Access

What is the FRN number from the previous year ? 2836405

The contract attached in EPC clearly indicates a CED of 6/30/18.

### Contract Summary - Contract

Contract Number WRY19-102INTACCESS

Account Number 903-392-7850

User-entered Establishing FCC Form 470# 279650001324722

Service Provider ESC7Net (SPN: 143008766)

Award Date March 30, 2015

Includes Voluntary Extensions? No

Expiration Date

Remaining Voluntary Extensions

Total Remaining Contract Length

Document Name	Document Description
West Rusk 2015-18 ESC7 contract.pdf	THREE-YEAR INTERNET ACCESS CONTRACT WITH ESC7

### Contract Information (Additional)

What is the service start date? March 30, 2015

What is the date your contract expires for the current term of the contract? July 30, 2016

### Narrative

internet access to all schools

### Line Item # 1699031014.001

#### Product and Service Details

Purpose	Internet access service that includes a connection from any applicant site directly to the Internet Service Provider	Type of Connection	Wireless data service
Make		Model	
Function	Wireless	Lease or Non-Purchase Agreement?	No
Unit			

### Bandwidth Speed

Download Speed	100.0 Mbps
Upload Speed	100.0 Mbps

### Connection Information

Does this include firewall services?	Yes	Is this a connection between eligible schools, libraries and NIFs (i.e., a connection that provides a "Wide area network")?	Yes
Is this a direct connection to a single school, library or a NIF for Internet access?	No	Connection Used by	All buildings/sites listed

### Cost Calculation for FRN Line Item # 1699031014.001

Consultant mistakenly put monthly quantity of 12 instead of 12 months of service.

Monthly Cost		One-time Unit Cost	
Monthly Recurring Unit Cost	\$2,820.00	One-time Unit Cost	\$0.00
Monthly Recurring Unit Ineligible Costs	- \$0.00	One-time Ineligible Unit Costs	- \$0.00
Monthly Recurring Unit Eligible Costs	= \$2,820.00	One-time Eligible Unit Cost	= \$0.00
Monthly Quantity	x 12	One-time Quantity	x 0
Total Monthly Eligible Recurring Costs	= \$33,840.00	Total Eligible One-time Costs	= \$0.00
Months of Service	x 1	<b>Summary</b>	
Total Eligible Recurring Costs	= \$33,840.00	Total Eligible Recurring Costs	\$33,840.00
		Total Eligible One-time Costs	+ \$0.00
		Pre-Discount Extended Eligible Line Item Cost	= \$33,840.00

## Recipients of Services

Ben	Name	Amount
86777	WEST RUSK JUNIOR HIGH	
86778	WEST RUSK PRIMARY SCHOOL	
86779	WEST RUSK HIGH SCHOOL	
140701	WEST RUSK INTERMEDIATE	

## FRN Calculation for FRN #1699031014 -WRY19-102INTACCESS

Monthly Charges		Total Requested Amount	
Total Monthly Recurring Charges	\$33,840.00	Total Eligible Pre-Discount Recurring Charges	\$33,840.00
Total Monthly Ineligible Charges	- \$0.00	Total Eligible Pre-Discount One-time Charges	+ \$0.00
Total Monthly Eligible Charges	= \$33,840.00	Total Pre-Discount Charges	= \$33,840.00
Total Number of Months of Service	x 1	Discount Rate	90%
Total Eligible Pre-Discount Recurring Charges	= \$33,840.00	Funding Commitment Request	= \$30,456.00
One-Time Charges		Should have been 12 months of service, not a quantity of 12.	
Total One-Time Charges	\$0.00		
Total Ineligible One-Time Charges	- \$0.00		
Total Eligible Pre-Discount One-Time Charges	= \$0.00		

## Connectivity Questions

### District/System-wide Internet Access Questions

Does your school district currently aggregate Internet access for the entire district(as opposed to buying Internet access on a building-by-building basis)?

Yes

Download Speed 100.00

Download Speed Units Mbps

Upload Speed 100.00

Upload Speed Units Mbps

### Per Entity Basis Questions

Entity Name WEST RUSK CCISD

Entity Number 226378

Entity Name	BEN	Download	Units	Upload	Units	Connection	Wifi Sufficient	Barriers to Robust Network
WEST RUSK JUNIOR HIGH	86777	100.00	Mbps	100.00	Mbps	Fixed Wireless	Completely	Equipment too costly
WEST RUSK PRIMARY SCHOOL	86778	100.00	Mbps	100.00	Mbps	Fixed Wireless	Completely	Equipment too costly
WEST RUSK HIGH SCHOOL	86779	100.00	Mbps	100.00	Mbps	Fixed Wireless	Completely	Equipment too costly
WEST RUSK INTERMEDIATE	140701	100.00	Mbps	100.00	Mbps	Fixed Wireless	Completely	Equipment too costly

## Certifications

I certify that the entities listed in this application are eligible for support because they are schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.

I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

## Total Funding Summary

Below is a summary of the total line item costs on this FCC Form 471:

Summary	
Total funding year pre-discount eligible amount on this FCC Form 471	\$33,840.00
Total funding commitment request amount on this FCC Form 471	\$30,456.00
Total applicant non-discount share of the eligible amount	\$3,384.00
Total budgeted amount allocated to resources not eligible for E-rate support	\$0.00
Total amount necessary for the applicant to pay the non-discount share of eligible and any ineligible amounts	\$3,384.00
Are you receiving any of the funds directly from a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year?	No
Has a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds needed to pay your non-discounted share?	No

I certify an FCC Form 470 was posted and that any related RFP was made available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology goals.

I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500 and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. § 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, as prohibited by the Commission's rules at 47 C.F.R. § 54.503(d), other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts or other legally binding agreements covering all of the services listed on this FCC Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

I certify that I will retain required documents for a period of at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification) after the later of the last day of the applicable funding year or the service delivery deadline for the associated funding request. I acknowledge that I may be audited pursuant to participation in the schools and libraries program. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to USAC.

I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on

this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

I certify that if any of the Funding Requests on this FCC Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504.

## NOTICE

Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to submit an application for such discounts by filing this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the application requirements for universal service discounts contained in 47 C.F.R. § 54.504. Schools and libraries must file this form themselves or as part of a consortium. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving your application for universal service discounts is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application for universal service discounts may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public. If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized. If you do not provide the information we request on the form, the FCC or the Universal Service Administrator may delay processing of your application for universal service discounts or may return your application without action. The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq. Public reporting burden for this collection of information is estimated to average 4.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554. We also will accept your comments via the email if you send them to PRA@FCC.gov. DO NOT SEND COMPLETED WORKSHEETS TO THESE ADDRESSES.

## Authorized Person

<b>Name:</b>	Martha Labbit
<b>Title:</b>	Consultant
<b>Employer:</b>	Martha Labbit
<b>Address:</b>	3522 Buckingham Drive Nacogdoches TX 75965-
<b>Phone:</b>	936-560-4162
<b>Email:</b>	martha.labbit@suddenlink.net

## Certified Timestamp

29-Mar-2016 11:11:13 EDT



3/10/2017

Form 474\_Display

TO 3/14/17

Approved by OMB  
OMB Control No. 3060 - 0856

SPIN	143008766
Service Provider Form Identifier	November, 2016
Contact Person	Steve Vaughn
Contact Telephone Number	903-9886922

## Block 2: Funding Request Number Information

6. FCC Form 471 Application Number (from Funding Commitment Decision Letter)	7. Funding Request Number (FRN) (from Funding Commitment Decision Letter)	8. Bill Frequency (e.g., Monthly, Quarterly, Annually, One-time, Other)	9. Customer Billed Date (mm/yyyy)	10. Shipping Date to Customer or Last Day of Work Performed (mm/dd/yyyy)	11. Total (Undiscounted) Amount for Service per FRN	12. Discount Rate	13. Amount Billed to USAC (Column 11 multiplied by Column 12)
For each FRN, there should be an entry in Column 9 or Column 10 but <b>NOT</b> <b>BOTH</b>							
161045881	1699120670	MONTHLY	11/01/2016	Cayuga	1000	✓	600 ✓
161024144	1699047432	MONTHLY	11/01/2016	Cross Roads	1600	✓	1120 ✓
161005250	1699006858	MONTHLY	11/01/2016	Douglas	3450	✓	2415 ✓
161027533	1699094551	MONTHLY	11/01/2016	Etowah	750	✓	675 ✓
161008335	1699012104	MONTHLY	11/01/2016	Excelsior	2300	✓	1840 ✓
161019365	1699035906	MONTHLY	11/01/2016	Frankston	2000	✓	1600 ✓
161030073	1699065683	MONTHLY	11/01/2016	Hemphill	3300	✓	2640 ✓
161008136	1699014261	MONTHLY	11/01/2016	Laneville	1000	✓	900 ✓
161036120	1699076310	MONTHLY	11/01/2016	Lapaynor	2100	✓	1680 ✓
161016993	1699045097	MONTHLY	11/01/2016	Malakoff	2200	✓	1980 ✓
161043883	1699097002	MONTHLY	11/01/2016	Martins Mill	1200	✓	840 ✓
161036170	1699077239	MONTHLY	11/01/2016	Mc Enterprise	1200	✓	960 ✓
161008318	1699012059	MONTHLY	11/01/2016	Alto	1000	✓	800 ✓
161016883	1699030391	MONTHLY	11/01/2016	Broadbys	2850	✓	1995 ✓
161056597	1699131351	MONTHLY	11/01/2016	Trinidad	1100	✓	990 ✓
161025385	1699050574	MONTHLY	11/01/2016	Wells	1000	✓	800 ✓
161017180	1699031014	MONTHLY	11/01/2016	West Rusk	2200	✓	1980 ✓
161012349	1699026175	MONTHLY	11/01/2016	West Sabine	3550	✓	3195 ✓
161008137	1699011714	MONTHLY	11/01/2016	Wooden	3000	✓	2400 ✓
161031966	1699105982	MONTHLY	11/01/2016	Neches	1200	✓	840 ✓
161006876	1699034671	MONTHLY	11/01/2016	Overton	1700	✓	1360 ✓
161016532	1699033385	MONTHLY	11/01/2016	Sabine	3000	✓	2100 ✓
161000007	1699000003	MONTHLY	11/01/2016	Shelbyville	2300	✓	1840 ✓
161013854	1699023505	MONTHLY	11/01/2016	Slowm	3150	✓	2205 ✓
161043516	1699096124	MONTHLY	11/01/2016	Spring Hill	2500	✓	1250 ✓
161018502	1699033849	MONTHLY	11/01/2016	Tenaha	4445	✓	4000.50 ✓
161008987	1699013311	MONTHLY	11/01/2016	Zavalla	3350	✓	2680 ✓

TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM 5

alc  
Vaughn  
3.15.17

FCC Form 474

Do not write in this space.

Approved by OMB  
OMB Control No. 3060 – 0856  
Estimated time per response: 1.0 hourSchools and Libraries Universal Service  
Service Provider Invoice FCC Form 474

Please read instructions before completing

Service Provider Form Identifier November

2016

(Create an identifier for your own reference)

FCC Form 474 Invoice

# 2545922

(To be inserted by administrator)

## Block 1: Service Provider Information

- |   |                |                            |
|---|----------------|----------------------------|
| 1. Service Provider Name                              |                | ESC7Net                    |
| 2. Service Provider Identification Number (SPIN)      |                | 143008766                  |
| 3. Contact Person's Name                              |                | Steve Vaughn               |
| 4. Contact Telephone Number                           | Area Code: 903 | Phone Number: 9886922 Ext. |
| Contact Fax Number                                    | Area Code: 903 | Fax Number: 9886965        |
| Contact Email Address                                 |                | svaughn@esc7.net           |
| 5. Total Invoice Amount (total of Block 2, Column 13) |                | 45685.50                   |

Page 1 of 4

FCC Form 474

July 2016



3302017\_20094224.isr

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143008766	October, 2016	2536806	8464513	161012349	1699026175	3195.00	Passed	
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Date> [90] days 471 Term or Cnt Ext;Billed Date After Contract Expiration								
Date 03/30/2017 SPIF								
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Item Detail Number:8495359;Amount Requested:800.00;"|062017|\$800.00

SPI|143008766|November, 2016|1699031014|"SLD Invoice Number:2545922;Line  
Item Detail Number:8495362;Amount Requested:1980.00;Bill Date> [90] days  
471 Term or Cnt Ext;36;Billed Date After Contract Expiration  
Date;224;"|062017|\$0.00

SPI|143008766|November, 2016|1699026175|"SLD Invoice Number:2545922;Line  
Item Detail Number:8495364;Amount Requested:3195.00;"|062017|\$3,195.00  
SPI|143008766|November, 2016|1699011714|"SLD Invoice Number:2545922;Line  
Item Detail Number:8495366;Amount Requested:2400.00;"|062017|\$2,400.00  
SPI|143008766|November, 2016|1699105982|"SLD Invoice Number:2545922;Line  
Item Detail Number:8495371;Amount Requested:840.00;"|062017|\$840.00  
SPI|143008766|November, 2016|1699034671|"SLD Invoice Number:2545922;Line  
Item Detail Number:8495374;Amount Requested:1360.00;"|062017|\$1,360.00  
SPI|143008766|November, 2016|1699033385|"SLD Invoice Number:2545922;Line  
Item Detail Number:8495378;Amount Requested:2100.00;"|062017|\$2,100.00  
SPI|143008766|November, 2016|1699000003|"SLD Invoice Number:2545922;Line  
Item Detail Number:8495380;Amount Requested:1840.00;"|062017|\$1,840.00  
SPI|143008766|November, 2016|1699023505|"SLD Invoice Number:2545922;Line  
Item Detail Number:8495381;Amount Requested:2205.00;"|062017|\$2,205.00

WRF500-471-16 - #41141

Attachment C



Summary Associated FRNs News Related Actions

In-Review Outreach Wave Ready Committed

Funding Commitment Adjustment Request Form

FCC Form 500 Details

View Status (-)

Status USAC issued a revised funding decision on 09/13/2017. Check your Newsfeed for the decision.

Funding Year 2016

Submitting Organization WEST RUSK CCISD (BEN: 226378)

Created By Cody Walker

Created On 3/31/2017 4:53 PM EDT

Main Contact

Name Cody Walker

Email walkerc@westruskisd.org

Phone Number 903-392-7850

Contract Expiration Date Change

FRN	Application Number	Application Nickname	FRN Nickname	Category of Service	SPIN	SPIN Name	Original CED	New CED
1699031014	161017180	WRY19-102INTACCESS	WRY19-102INTACCESS	Category 1	143008766	ESC7Net	7/30/2016	6/30/2018

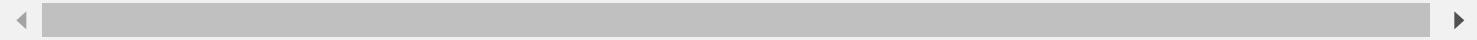
Narrative: Our E-Rate Consultant mistakenly entered the incorrect Contract End Date, I have included the original contract from our service provider.

View Supporting Documentation (-)

Supporting Documentation

Document ID	Document	Description	Upload Stage	Uploaded By	Uploaded On
5427	Reg VII Agreement.pdf	ESC7Net Agreement	Intake	Cody Walker	3/31/2017 4:53 PM EDT

DOWNLOAD AND PRINT



**Agreement**  
3/6/2015  
**ESCTnet**

**Agreement**  
3/6/2015

**Customer:** West Rusk ISD  
**Address:** 10705 S Main  
New London, TX 75682  
**email:** [walkercc@westrusk.esc7.net](mailto:walkercc@westrusk.esc7.net)

Service	Description	Qty	Price	Total Monthly	Setup	One Time Fee
Internet Service - 200Mb	Comprehensive Internet Access	1	\$ 2,200.00	\$ 2,200.00		
200Mbps Ethernet	Fiber Ethernet Service *	1	\$ 722.00	\$ 722.00		
Network Allocation	Network Allocation Fee *	1	\$ 600.00	\$ 600.00		
Totals				Monthly \$ 3,522.00		

LENGTH OF TERM AND AUTHORIZED SIGNATURES

<b>Length of Contract Term:</b>	<b>3 years</b>
<b>Start Date:</b>	<b>July 1, 2015</b>
<b>End Date:</b>	<b>June 30, 2018</b>

Customer:	West Rusk ISD
Signature:	

Print Name: Tony Alexander

Tommy Alexander

# Superintendent

Date: 3/30/15

**Signature:**

Print Name: Elizabeth Liberty

**Title:** Elizabeth Abernethy

**Executive Director**

**Date:**

3/31/15

\* Denotes Region 7 Consortium Network Services. Region 7 will file a consortium E-Rate Application for FY2015-2016 requesting discounts on participating customer's network costs. E-rate discounts awarded will be shared among participating customers at each customer's proportionate cost and predetermined discount percentage. While Region 7 will make every effort to maximize E-rate discounts on their network costs, customers may or may not receive their exact anticipated discount amount due to uncertainties in the E-rate application review and funding award process. Because Region 7 will be filing a Consortium application to recover discounts on E-rate eligible network costs, customers should not include the Region 7 network costs listed on this invoice in their individual E-Rate applications. Early termination fees will apply.

Attachment  
C(b)



## #226378 - WEST RUSK CCISD

[Summary](#)
[Customer Service](#)
[Modifications](#)
[Additional Information](#)
[Discount Rate](#)
[Contracts](#)
[FCC Forms](#)
[FRN Appeals](#)
[News](#)
[Related Actions](#)

Contract ID ↓	Contract Number	Contract Nickname	Award Date	
230040		ESC7net 2018	3/19/2018	<a href="#">View</a>
31181	WRY19-102INTACCESS	WRY19-102INTACCESS	3/30/2015	<a href="#">View</a>

#226378 - WEST RUSK CCISD

MANAGE CONTRACTS

- Summary
- Customer Service
- Modifications
- Additional Information
- Discount Rate
- Contracts
- FCC Forms
- FRN Appeals
- News
- Related Actions

Submitted Contracts / Contract #31181

Contract #31181

Contract Information

Nickname	WRY19-102INTACCESS	Contract ID	31181
Can Other Applicants Piggy Back Off This Contract?	No	Contract Number	WRY19-102INTACCESS
Piggy Backed Off Another Contract?	No	Based on a State Master Contract?	No
		Based on a Multiple Award Schedule?	No

Establishing FCC Form 470

User-entered Establishing FCC Form 470 #	279650001324722	Number of Bids Received	2
--	-----------------	-------------------------	---

Service Provider

Service Provider	ESC7Net (SPIN: 143008766)	Account Number	903-392-7850
------------------	---------------------------	----------------	--------------

Contract Dates

Award Date	3/30/2015	Multi-Year Contract?	Yes
Includes Voluntary Extensions?	No		

Pricing Confidentiality

There is no rule, statute, or other restriction which prohibits publication of the specific pricing information for this contract.

Supporting Documents

Document	Description
West Rusk 2015-18 ESC7 contract	THREE-YEAR INTERNET ACCESS CONTRACT WITH ESC7

# WestRusk-2016AppealFRN1699031014 - #92255



[Summary](#)   [Associated FRNs](#)   [Review Inquiries](#)   [News](#)   [Related Actions](#)



In-Review	Outreach	Wave Ready	Committed
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## Appeal Information

[View Status \(+\)](#)

**Funding Year** 2016

**Submitting Organization** [WEST RUSK CCISD \(BEN: 226378\)](#)

**Created By** Jessica Olsen

**Created On** 4/3/2018 10:26 AM EDT

## Main Contact

**Name** Jessica Olsen

**Email** [jolsen@e-ratecentral.com](mailto:jolsen@e-ratecentral.com)

**Phone Number** 516-801-7829

## Narrative

On March 29, 2016, West Rusk CCISD's (West Rusk) previous consultant, Martha Labbit, completed and certified FCC Form 471 #161017180. Labbit mistakenly entered a quantity of twelve circuits and a contract expiration date (CED) of July 30, 2016. Labbit correctly identified the unit cost as \$2,820 for an annual cost of \$33,840 (\$2,820 times a quantity of twelve). Labbit should have entered a CED of June 30, 2017 and a one under "Monthly Quantity". This error resulted in one month of service for FRN 1699031014 with the correct annual cost of \$33,840. Please see attached appeal letter for complete details.

## Appeal Details

**Decision appealed by applicant** Revised Funding Commitment Decision Letter

If you wish to modify or cancel your appeal, or, if you have any questions about your appeal, please contact the E-rate Program's Client Service Bureau (CSB) at (888) 203-8100.

[View Supporting Documentation \(+\)](#)

## Letter of Appeal

April 4, 2018

Letter of Appeal  
Schools and Libraries Division – Correspondence Unit  
30 Lanidex Plaza West  
P.O. Box 685  
Parsippany, New Jersey 07054-0685

Billed Entity Name: West Rusk CCISD  
BEN: 226378  
Funding Year: 2016  
Form 471#: 161017180  
FRN: 1699031014  
SLD Invoice Number: 2545922 and 2770840

### CONTACT PERSON:

Jessica Olsen, E-Rate Central  
PO BOX 1403, Cornelius, NC 28031  
Phone: 516-801-7829  
FAX: 516-801-7839  
E-mail: [jolsen@e-ratecentral.com](mailto:jolsen@e-ratecentral.com)

### APPEAL RATIONALE:

On March 29, 2016, West Rusk CCISD's (West Rusk) previous consultant, Martha Labbit, completed and certified FCC Form 471 #161017180.<sup>1</sup> Labbit mistakenly entered a quantity of twelve circuits and a contract expiration date (CED) of July 30, 2016. Labbit correctly identified the unit cost as \$2,820 for an annual cost of \$33,840 (\$2,820 times a quantity of twelve). Labbit should have entered a CED of June 30, 2017 and a one under "Monthly Quantity".<sup>2</sup> This error resulted in one month of service for FRN 1699031014 with the correct annual cost of \$33,840.

It is our belief that USAC should have identified this error during the Program Integrity Assurance (PIA) and provided the district an opportunity to correct the contract expiration date. On the Form 471 the FRN in question was identified as a continuation of service that was approved on Funding Year (FY) 2015 FRN 2836405. On FRN 2836405 the district correctly identified the contract expiration date as June 30, 2018. Therefore, USAC had information in the original file to demonstrate that the CED identified on FRN 1699031014 was entered incorrectly. In the Bishop Perry Order the FCC directed USAC to "inform applicants promptly in writing of any and all ministerial or clerical errors that are detected in their applications, along with a clear and specific explanation of how the applicant can remedy those errors."<sup>3</sup> We believe it is clear that USAC failed to notify the district of this clerical error nor did USAC provide

<sup>1</sup> Attachment A – certified FCC Form 471 #161017180

<sup>2</sup> Attachment C (b) – signed & dated 2015 3yr contract ending on June 30, 2017.

<sup>3</sup> See FCC 06-54 at paragraph 24.



the applicant an opportunity to cure the clerical error. Had USAC complied with the requirements of the Bishop Perry Order this error would have been corrected prior to the issuance of the FCDL. The District was not aware of a discrepancy when they received their FCDL because the approved yearly amount was correct. They had no reason to question the commitment.

The service provider, ESC7Net, Service Provider Number (SPIN) 143008766 submitted FCC Form 474 #2545922 to invoice USAC on March 15, 2017. It was denied by the invoicing team on March 30, 2017 because the “Bill Date” was after the CED.<sup>4</sup>

Immediately following this discovery, West Rusk submitted an FCC Form 500 #41141 on March 31, 2017 to correct the CED and modify it to June 30, 2018.<sup>5</sup> We included a copy of the three-year contract with the submitted FCC Form 500 #41141. This documentation demonstrated that we were in fact requesting 12 months of service, not one. A revised funding decision on FCC Form 500 #41141 was received on September 13, 2017 and the CED was modified to June 30, 2018. Although USAC corrected the CED, they did not increase the months of service. Specifically, the decision stated:

*“The Contract Expiration Date Change request for FRN 1699031014 has been approved and your FRN was modified. You requested a Contract Expiration Date change for FRN 1699031014 to 6/30/2018. Since the new Contract Expiration Date will increase the number of months of service and the funding commitment for this FRN, your request is not allowable and is therefore denied.”*

Following the September 13, 2017 decision that was made on FCC Form 500 #41141, the District incorrectly assumed the invoicing issue was resolved because the CED was modified to June 30, 2018. The corrected CED resulted in 12 months of service.

Based on that assumption, the service provider, ESC7Net, submitted another FCC Form 474 #2770840 on February 8, 2018. ESC7Net received in invoice notification letter on February 15, 2018, which stated that their bill date was still after the CED.

It was never the District’s intention to request one month of service. As you can see on the original copy of FCC Form 471 #161017180, the “Monthly Quantity” was “12”, but the “Months of Services” was “1”. It was clear that this was a ministerial error as the numbers were transposed. Additionally, FRN 1699031014 referenced previous FY 2015 FRN 2836405. FRN 2836405 referenced a three-year contract that was awarded on March 30, 2015 expiring on June 30, 2018. USAC approved FRN 2836405 as submitted.<sup>6</sup>

On May 31, 2006, the Bishop Perry Order required USAC to modify its application review procedures to allow for applicants to make corrections to certain clerical or ministerial errors that may have been made while filing their E-rate applications.<sup>7</sup> Therefore, we believe PIA should have identified this error while reviewing previous FY 2015 FRN 2836405 that was referenced on the FY 2016 FRN 1699031014. If PIA had done a thorough review of the previous year’s referenced FRN 2836405 and compared it to FY 2016 FRN 1699031014’s contract information, they would have noticed that the CED in FY 2015 did not match the CED in FY 2016. We are convinced that PIA would have reached back out to the District to resolve the CED discrepancy as well as the ministerial error on the monthly quantity.

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<sup>4</sup> Attachment B – FCC Form 474 3/15/17 and denial of payment 3/30/17

<sup>5</sup> Attachment C – FCC Form 500 #41141 submitted on 3/31/17, along with signed & dated 2015 3yr contract.

<sup>6</sup> Attachment D – Copy of certified FY 2015 FCC Form 471 #1025183.

<sup>7</sup> Bishop Perry Order - [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-11-60A1\\_Rcd.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-11-60A1_Rcd.pdf)

We believe our appeal should be granted because:

- The applicant provided documentation to demonstrate that we had a three-year contract in place that covered July 1, 2015 through June 30, 2018.
- As required by the Bishop Perry Order, PIA should have recognized the ministerial error that was entered on FCC Form 471 #161017180. This issue could have been easily resolved prior to receiving a funding commitment decision.
- The District is not requesting to increase the requested amount on FRN 1699031014. We are only requesting to modify the monthly amount from \$33,840 to \$2,200; decrease the monthly quantity from twelve to one; and change the months of service from one to twelve based on the 3-year contract we provided. Finally, this modification decreases the yearly pre-discount amount from \$33,840 to \$26,400.

The District should not be penalized for making a ministerial error. We have provided evidence to support that it was indeed a ministerial error and that we are not requesting for an increase in funding.

We are requesting that USAC correct the ministerial errors listed above and ask that an invoice deadline extension be granted so that ESC7Net can invoice USAC for the remaining eleven months of service.

Thank you and we greatly appreciate your consideration of this appeal.



Jessica Olsen  
Consultant for West Rusk CCISD  
E-Rate Central



June 22, 2018

# Revised Funding Commitment Decision Letter

## Funding Year 2016

**Contact Information:**

Martha Labbit  
WEST RUSK CCISD  
PO BOX 168  
10705 S. Main  
NEW LONDON, TX 75682  
[martha.labbit@suddenlink.net](mailto:martha.labbit@suddenlink.net)

**BEN:** 226378**Post Commitment Wave:** 50

## Totals

Original Commitment Amount	\$30,456.00
<b>Revised Commitment Amount</b>	<b>\$30,456.00</b>

## What is in this letter?

**Thank you for submitting your post-commitment request for Funding Year 2016 Schools and Libraries Program (E-rate) funding.** Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

## Next Steps

1. **File the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if you have not already done so. Please review the CIPA requirements and file the form(s).



**BEN Name:** WEST RUSK CCISD

**BEN:** 226378

**Post Commitment Wave:** 50

- o **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
  - o **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
2. **Invoice USAC**, if you or your service provider have not already done so. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying your bills in full.
- **If you (the applicant) are invoicing USAC:** You must pay your service provider(s) the full cost for the services you receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
  - **If your service provider(s) is invoicing USAC:** The service provider(s) must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, service providers must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and to receive disbursements.
  - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

## How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

**Note:** The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.
- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request,





**BEN Name:** WEST RUSK CCISD

**BEN:** 226378

**Post Commitment Wave:** 50

identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

## Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

## Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.



**BEN Name:** WEST RUSK CCISD

**BEN:** 226378

**Post Commitment Wave:** 50

## Revised Funding Commitment Decision Overview

### Funding Year 2016

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Committed	Review Status
1699031014	ESC7Net	Appeals	\$30,456.00	Denied



**BEN Name:** WEST RUSK CCISD

**BEN:** 226378

**Post Commitment Wave:** 50

<b>Post Commitment Request Number:</b> 92255	<b>Post Commitment Request Type:</b> Appeals	<b>Post Commitment Decision:</b> Denied
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<b>FRN:</b> 1699031014	<b>Service Type:</b> Data Transmission and/or Internet Access	<b>Original Status:</b> Funded	<b>Revised Status:</b> Funded
<b>FCC Form 471: 161017180</b>			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	1		
Total Eligible Recurring Charges	\$33,840.00	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$33,840.00	
Discount Rate		90.00%	
Revised Committed Amount		\$30,456.00	

Dates	
Service Start Date	3/30/2015
Contract Expiration Date	7/30/2016
Contract Award Date	3/30/2015
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	ESC7Net
SPIN (498ID)	143008766
Contract Number	WRY19-102INTACCESS
Account Number	903-392-7850
Establishing FCC Form 470	279650001324722

Consultant Information	
Consultant Name	Martha Labbit
Consultant's Employer	Educational Planners, Inc.
CRN	16081740

<b>Revised Funding Commitment Decision Comments:</b>
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<b>Post Commitment Rationale:</b>
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Our records show that your appeal was filed more than 60 days after the date your decision letter was issued. Your appeal was filed on 004/03/2018. The RFCDL was issued on 09/13/2017. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal. Therefore, the appeal was denied.

BEN	BEN Name	Post-Comr	Post-Comr	Post-Comr	FRN	Post-Comr Post-Commitment Rationale (FRN Level)	Original FR	Revised FR	RFCDL Con	FCC Form	Service Ty	Establishin	SPIN	Service Prc	Contract N	Account N	Service Stz	Contract E	Contract A	Contract E	Months OI	Total Eligik	Total Eligik	Total Pre-Discount R	Revised Cc	Invoice De	Wave Nun	Service De	Consultant CRN	Consultant			
226378	WEST RUS Appeals	92255	16990316	Denied		Our records show that your appeal was filed more than 60 days after the date your decision letter was issued. Your appeal was filed on 004/03/2018. The RFCDL was issued on 09/13/2017. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal. Therefore, the appeal was denied.	Funded	Funded	16101718	Data Trans	27965000	14300876	ESC7Net	WRY19-10	903-392-7130	Mar-20	30-Jul-20	1	30-Mar-2015			1	\$33,840.0K	\$0.00	\$33,840.0K	90.00%	\$30,456.0K	27-Feb-20	50	30-Jun-20	Martha Lal	16081740	Educationa



Attachment F

Applicant:

Billed Entity Number:

Date Submitted:

WEST RUSK ISD

226378

Apr 10, 2015

Application Number:

Nickname:

Date Certified:

1025183

Y18-102 INTERNET ACCESS

Apr 10, 2015

Original Form Data

Current Form Data

Basic Information

Expand All

Collapse All

Scroll to T

Billed Entity

**Name of Billed Entity:** WEST RUSK ISD  
**Billed Entity Number:** 226378  
**FCC Registration Number:** 0015113343  
**Address 1:** PO BOX 168  
**City:** NEW LONDON **State:** TX **Zip Code:** 75682 - 0168  
**Telephone Number:** (903) 895-4503 **Ext:** None Provided  
**Fax Number:**

**Application Type and Recipients of Service**

**Type of Application:** District  
**Recipients of Services:** Public

**Submitter's Email Address:** martha.labbit@suddenlink.net

Contact Information

**Consultant Registration Number:** 16081740  
**Consultant Name:** Martha Labbit  
**Is a consultant acting as the contact person for this application?** Yes  
**Contact Person's Name:** Martha Labbit  
**Contact Person's Email Address:** martha.labbit@suddenlink.net  
**Is the contact person's address the same as that of the Billed Entity?** No  
**Contact Person's Address:** 3522 Buckingham Drive  
**City:** Nacogdoches **State:** TX **Zip Code:** 75965  
**Contact Person's Telephone Number:** (936) 560-4162 **Ext:** 0  
**Contact Person's Fax Number:** (936) 560-4162  
**Correspondence Address:** Consultant Address  
**Name of person to receive correspondence:** Martha Labbit  
**Holiday / Summer Contact Information:** 936-560-4162

Discount Calculation

Expand All

Collapse All

Scroll to T

Funding Request Category: Category 1

Page 1 of 1

Page Size: 5

WEST RUSK ISD - 226378

Entities

Page 1 of 1

Page Size: 5

Billed Entity Number	Entity Name	NCES Code	Urban or Rural	NIF	State LEA ID	State School ID	Student Count Based on Est. ?	Alt. Disc.	Attributes
86779	WEST RUSK HIGH SCHOOL	484515 05151	R	No			No		
86777	WEST RUSK JUNIOR HIGH	484515 05152	R	No			No		
140701	WEST RUSK INTERMEDIATE	484515 05150	R	No			No		
86778	WEST RUSK PRIMARY SCHOOL	484515 05150	R	No			No		
226378	WEST RUSK ISD	484515 0	R	No			No		

Page 1 of 1

Page Size: 5

Entities

Optional Worksheet

Entity #	Entity Name	Urban Rural	Number of Students Attending This School as Their Home School	If Using CEP, Percentage of Direct Certification Students	Total Number of Students in School Eligible for NSLP
86779	WEST RUSK HIGH SCHOOL	R	289		159
86777	WEST RUSK JUNIOR HIGH	R	252		178
140701	WEST RUSK INTERMEDIATE	R	248		170
86778	WEST RUSK PRIMARY SCHOOL	R	288		178
226378	WEST RUSK ISD	R	0		0

Optional Worksheet

### Discount Rate Calculation

Overall Urban/Rural Status	Total Number of Students Enrolled in District	Total Number of Students in District Eligible for NSLP	Percentage of Students in District Eligible for NSLP	Category 1 Discount Rate
R	1077	685	64%	80%

WEST RUSK ISD - 226378

Connectivity Questions

### Funding Requests

Expand All Collapse All Scroll to T

Y18-102 INTERNET ACCESS - 2836405

#### Key Information

Duplicate Funding Request Number:

Service Type: INTERNET ACCESS

Form470 Number: 279650001324722

Exempt470 Reason:

SPIN (Service Provider Identification Number): 143008766

SPIN Name: ESC7Net

Billing Account Number:

Purchase Type: CONTRACT

Contract Number: N/A

What is the date you awarded your contract? 03/30/2015

What is the date your contract expires? 06/30/2018

When will the services start? 07/01/2015

Does your contract have any voluntary extensions? No

How many extensions are left on the contract?

What is the total remaining length of the contract if you exercised all extensions (in months)?

Is this Funding Request covered under a master contract? No

Is this Funding Request a continuation of an FRN from a previous funding year based on a multi-year contract? No

Previous FRN Number:

Narrative:

Is there a statute, rule, or other restriction which prohibits publication of the pricing information? No

Type of restriction:

Restriction Citation:

Item 21 Details

Page 1 of 1 Page Size: 5

FRN Line Item Number	Service Type	Product Type	Purpose	Lines	Upload Speed	Burst Bandwidth?	Last Mile?	Firewall?	Monthly Cost Eligible	One Time Cost Eligible	Extended Cost
					Download Speed	Burst Speed		WAN?	Ineligible	Ineligible	
+ 1	Digital Transmission Service	Fractional T-1	* Transport	20	200Mbps	No	No	* Yes	\$2,200.00	\$0.00	\$26,400.00
					200Mbps			Yes	\$0.00	\$0.00	

Page 1 of 1 Page Size: 5

Item 21 Details

Funding Request Summary

Total Post Discount Request: \$21,120.00

Y18-102 INTERNET ACCESS - 2836405

Page 1 of 1 Page Size: 5

Certifications & Signatures

Expand All

Collapse All

Scroll to Top

I certify that the entities listed in Block 4 of this application are eligible for support because they are:

✓ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or

✓ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the service purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

A	Total funding year pre-discount amount on this FCC Form 471	\$26,400.00
B	Total funding commitment request amount on this FCC Form 471	\$21,120.00
C	Total applicant non-discount share	\$5,280.00
D	Total budgeted amount allocated to resources not eligible for E-rate support	\$0.00
E	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resource necessary to make effective use of the discounts	\$5,280.00

☐ Check this box if you are receiving any of the funds in Item E directly from a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item E.

✓ I certify that an FCC Form 470 was posted and that any related RFP was made available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology goals.

✓ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

✓ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes 47 C.F.R. § 54.500 and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, any representative or agent thereof or any consultant in connection with this request for services.

✓ I certify that I and the entity(ies) I represent have complied with all program rules, including recordkeeping requirements, and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts or other legally binding agreements covering all of the services listed on this FCC Form 471 except for those services provided under non-contracted, non-tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

✓ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

✓ I certify that I will retain required documents for a period of at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification), after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

✓ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request and that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

✓ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

✓ I certify that if any of the Funding Requests on this FCC Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(2).

✓ I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this FCC Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

## Authorized Person

**Name of authorized person:** TOMMY ALEXANDER

**Title or position of authorized person:** SUPERINTENDENT

**Street address, P.O. Box or Route Number of authorized person (1):** P. O. BOX 168

**Street address, P.O. Box or Route Number of authorized person (2):**

**City of authorized person:** NEW LONDON

**State:** TX

**Zip code of authorized person:** 75682

**Telephone number:** (903) 895-4503

**Ext.:**

**Fax number of authorized person:** (903) 895-2267

**Email address of authorized person:** talexander@westrusk.esc7.net

**Name of authorized person's employer:** WEST RUSK INDEPENDENT  
SCHOOL DISTRICT

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[Back](#)

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Bishop Perry Middle School	)	File Nos. SLD-487170, <i>et al.</i>
New Orleans, LA, <i>et al.</i>	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: May 2, 2006**

**Released: May 19, 2006**

By the Commission: Commissioner Copps issuing a separate statement.

**I. INTRODUCTION**

1. In this Order, we grant 196 appeals of decisions by the Universal Service Administrative Company (USAC) concerning the schools and libraries universal service support mechanism (also known as the E-rate program) denying funding due to certain clerical or ministerial errors in the application, *i.e.*, a failure to timely file an FCC Form 471, a failure to timely file a certification related to an FCC Form 470, or a failure to comply with minimum processing standards.<sup>1</sup> As explained below, we find that special circumstances exist to justify a waiver of the Commission's rules, and, accordingly, we grant these appeals and remand the underlying applications associated with these appeals to USAC for further action consistent with this Order. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application listed in the Appendices, and issue an award or a denial based on a complete review and analysis, no later than 60 days from release of this Order. In addition, we direct USAC to provide all future and pending applicants with a 15-day opportunity to cure any ministerial or clerical errors on their FCC Form 470, FCC Form 471, or associated certifications. We also direct USAC to develop targeted outreach procedures designed to better inform applicants of application procedures.

2. As we recently noted, many E-rate program beneficiaries, particularly small entities, contend that the application process is complicated, resulting in a significant number of applications for E-rate support being denied for ministerial, clerical or procedural errors.<sup>2</sup> We find that the actions we

<sup>1</sup> In this Order, we use the term "appeals" to generically refer to requests for review of decisions, or waivers related to such decisions, issued by the Commission, the Wireline Competition Bureau, or the Administrator. A list of these pleadings is attached as Appendices A-C. One of the appeals is a petition for reconsideration of a Commission order filed by the Information Technology Department of the State of North Dakota.

<sup>2</sup> *Comprehensive Review of Universal Service Fund Management, Administration, and Oversight, Federal-State Joint Board on Universal Service, Schools and Libraries Universal Service Support Mechanism, Rural Health Care Support Mechanism, Lifeline and Linkup, Changes to the Board of Directors of the National Exchange Carrier*



take here to provide relief from these types of errors in the application process will promote the statutory requirements of section 254(h) of the Communications Act of 1934, as amended (the Act), by helping to ensure that eligible schools and libraries actually obtain access to discounted telecommunications and information services.<sup>3</sup> In particular, we believe that by directing USAC to modify certain application processing procedures and granting a limited waiver of our application filing rules, we will provide for a more effective application processing system that will ensure eligible schools and libraries will be able to realize the intended benefits of the E-rate program as we consider additional steps to reform and improve the E-rate program.<sup>4</sup> Requiring USAC to take these additional steps will not reduce or eliminate any application review procedures or lessen the program requirements that applicants must comply with to receive funding. Indeed, we retain our commitment to detecting and deterring potential instances of waste, fraud, and abuse by ensuring that USAC continues to scrutinize applications and takes steps to educate applicants in a manner that fosters program participation. We also emphasize that our actions taken in this Order should have minimal effect on the overall federal Universal Service Fund (USF or the Fund), because the monies needed to fund these appeals have already been collected and held in reserve.<sup>5</sup>

## II. BACKGROUND

3. Under the E-rate program, eligible schools, libraries, and consortia that include eligible schools and libraries may apply for discounts for eligible telecommunications services, Internet access, and internal connections. The E-rate application process generally begins with a technology assessment and a technology plan.<sup>6</sup> After developing the technology plan, the applicant must file the FCC Form 470 (FCC Form 470) to request discounted services such as tariffed telecommunications services, month-to-month Internet access, cellular services, or paging services, and any services for which the applicant is seeking a new contract.<sup>7</sup> The FCC Form 470 must be posted on USAC's schools and libraries division website for at least 28 days.<sup>8</sup> The applicant must then comply with the Commission's competitive

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*Association, Inc.*, WC Docket Nos. 05-195, 02-60, 03-109, CC Docket Nos. 96-45, 02-6, 97-21, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 20 FCC Rcd 11308 (2005) (*Comprehensive Review NPRM*).

<sup>3</sup> 47 U.S.C. § 254(h). The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, amended the Communications Act of 1934.

<sup>4</sup> *Comprehensive Review NPRM*, 20 FCC Rcd at 11324-25, paras. 37-40 (seeking comment on the application process and competitive bidding requirements for the schools and libraries program).

<sup>5</sup> We estimate that the appeals granted in this Order involve applications for approximately \$68 million in funding for Funding Years 1999-2005. We note that USAC has already reserved approximately \$585 million to fund outstanding appeals. See, e.g., Universal Service Administrative Company, Federal Universal Service Support Mechanisms Fund Size Projections for the Fourth Quarter 2005, dated August 2, 2005. Thus, we determine that the action we take today should have minimal effect on the USF as a whole.

<sup>6</sup> 47 U.S.C. § 254(h)(1)(B); 47 C.F.R. § 54.504. Applicants seeking discounts only for telecommunications services do not need to develop a technology plan. See *Request for Review of the Decision of the Universal Service Administrator by United Talmudical Academy, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association*, CC Docket Nos. 96-45, 97-21, Order, 16 FCC Rcd 18812, 18816, para. 11 (2001). In August, 2004, the Commission revised its rules concerning technology plans. See *Schools and Libraries Fifth Report and Order*, 19 FCC Rcd at 15826-30, paras. 51-63. See *Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order, 19 FCC Rcd 15808, 15826-30, paras. 51-63 (2004) (*Schools and Libraries Fifth Report and Order*).

<sup>7</sup> If the technology plan has not been approved when the applicant files the Form 470, the applicant must certify that it understands that the technology plan must be approved prior to commencement of service. 47 C.F.R. § 54.504(b)(2)(vii).

<sup>8</sup> 47 C.F.R. § 54.504(b)(4).

bidding requirements set forth in sections 54.504 and 54.511(a) of the Commission's rules.<sup>9</sup> The applicant then files the FCC Form 471 (FCC Form 471), after entering into agreements for eligible services.<sup>10</sup> Section 54.507 of the Commission's rules states that fund discounts will be available on a first-come-first-served basis.<sup>11</sup> Under the Commission's rules, USAC implements an initial filing period, or filing window, for the FCC Form 471 applications that treats all schools and libraries filings within that period as if their applications were simultaneously received.<sup>12</sup>

4. The Commission has vested in USAC the responsibility of administering the application process for the schools and libraries universal service support mechanism.<sup>13</sup> Pursuant to this authority, USAC has established procedures, including "minimum processing standards," to facilitate its efficient review of the thousands of applications requesting funding that it receives.<sup>14</sup> These minimum processing standards are designed to require an applicant to provide at least the minimum data necessary for USAC to initiate review of the application under statutory requirements and Commission rules. When an applicant submits an FCC Form 470 or FCC Form 471 application that omits information required by the minimum processing standards, USAC automatically returns the application to the applicant without considering it for discounts under the program, without inquiring into the cause of the omission or without providing the applicant with the opportunity to cure the error.<sup>15</sup> For example, if an applicant failed to answer all blocks 1-6 on the FCC Form 471 or failed to submit a properly signed signature certification, the applicant's FCC Form 471 would be rejected and returned to the applicant, without further consideration.<sup>16</sup>

5. The Commission has under consideration various appeals filed by parties that have requested funding for discounted services under the schools and libraries universal service support mechanism.<sup>17</sup> The petitioners request review of decisions, or waivers related to such decisions, issued by

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<sup>9</sup> 47 C.F.R. §§ 54.504, 54.511(a).

<sup>10</sup> This form is to request discounts on those services and it contains the discount calculation worksheet and the discount funding request. The FCC Form 471 must be filed each time a school or library orders telecommunications services, Internet access, or internal connections.

<sup>11</sup> 47 C.F.R. §§ 54.507(c).

<sup>12</sup> 47 C.F.R. §§ 54.507(c).

<sup>13</sup> *Changes to the Board of Directors of the National Exchange Carrier Association, Inc., Federal-State Joint Board on Universal Service*, CC Docket Nos. 97-21 and 96-45, Third Report and Order in CC Docket No. 97-21 and Fourth Order on Reconsideration in CC Docket No. 97-21 and Eighth Order on Reconsideration in CC Docket No. 96-45, 13 FCC Rcd 25058 (1998).

<sup>14</sup> See, e.g., Instructions for Completing the Universal Service Schools and Libraries Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 (December 2002) (FCC Form 471 Instructions) at 6-9.

<sup>15</sup> See, e.g., USAC website, Form 471 Minimum Processing Standards and Filing Requirements for FY 4, <http://www.sl.universalservice.org/reference/471mps.asp> (Minimum Processing Standards).

<sup>16</sup> *Id.* But note, in the *Naperville Order*, the Commission determined that USAC should not return an application without consideration for having omitted information required by USAC's minimum processing standards where: (1) the request for information is a first-time information requirement on a revised form, thereby possibly leading to confusion on the part of the applicants; (2) the omitted information could be easily discerned by USAC through examination of other information included in the application; and (3) the application is otherwise substantially complete. *Request for Review by Naperville Community Unit School District 203, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-203343, CC Dockets No. 96-45 and 97-21, Order, 16 FCC Rcd 5032,5037-38, paras. 12-15 (2001) (*Naperville Order*).

<sup>17</sup> See Appendices A-C.

the Commission, the Wireline Competition Bureau, or USAC.<sup>18</sup> The decisions at issue involve the denial of funding based on an applicant's failure to timely file an FCC Form 471, a failure to timely file certifications related to an FCC Form 470, or a failure to comply with minimum processing standards.<sup>19</sup>

6. The Commission may waive any provision of its rules on its own motion and for good cause shown.<sup>20</sup> A rule may be waived where the particular facts make strict compliance inconsistent with the public interest.<sup>21</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>22</sup> In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.<sup>23</sup>

### III. DISCUSSION

7. In this item, we consider 196 appeals of decisions denying requests for funding from the schools and libraries universal service support mechanism based on an applicant's failure to timely file an FCC Form 471, a failure to timely file the certifications related to an FCC Form 470, or a failure to comply with minimum processing standards. We consider these three groups of applicants separately below.

8. Generally, the petitioners argue that immaterial clerical, ministerial or procedural errors resulted in rejection of their requests. Some also dispute that an error was made at all. For the reasons discussed below, we waive the relevant Commission rules, and grant all pending appeals pertaining to decisions denying funding due to a failure to comply with minimum processing standards, a failure to timely file an FCC Form 471, or a failure to timely file certifications related to an FCC Form 470, and remand the underlying applications associated with these appeals to USAC for further action consistent with this Order. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the requested services.

9. In many instances here we depart from prior Commission precedent.<sup>24</sup> For the reasons described below, however, we find that the departure is warranted and in the public interest. Although we base our decision to grant these requests in part on the fact that many of the rules at issue here are

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<sup>18</sup> For purposes of this Order, decisions by both the Schools and Libraries Division and USAC will be collectively referred to as decisions issued by USAC.

<sup>19</sup> See Appendices A-C.

<sup>20</sup> 47 C.F.R. §1.3.

<sup>21</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

<sup>22</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, (D.C. Cir. 1969), *affirmed by WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972), *cert. denied*, 409 U.S. 1027 (1972).

<sup>23</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>24</sup> See, e.g., *Request for Review by St. John's School, Schools and Libraries Universal Service Support Mechanism, Order*, 20 FCC Rcd 8171 (2005); *Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the national Exchange Carrier Association, Inc., Bruggemeyer Memorial Library, Order*, 14 FCC Rcd 13170 (1999); see also *Naperville Order*, 16 FCC Rcd at 5036 -5037, para. 11 (Although the Commission granted Naperville's request for review, it affirmed that "consistent with the Commission's rule requiring applicants to submit a 'completed' FCC Form 471, SLD's minimum processing standards provide an efficient means to minimize unnecessary administrative costs by reducing the number of substantially incomplete applications that SLD must review and process," and concluded that "it is appropriate for SLD to require the information requested by Item 22[in Form 471], and for SLD to return applications that fail to provide this information in any form.").

procedural, such a decision is in the context of the purposes of section 254 and cannot be applied generally to other Commission rules that are procedural in nature. Specifically, section 254 directs the Commission to “enhance . . . access to advanced telecommunications and information services for all public and non-profit elementary and secondary school classrooms, health care providers and libraries.”<sup>25</sup> Because applicants who are eligible for funding will now receive the opportunity for that funding where previously it was denied for minor errors, we believe granting waivers of these rules in these instances, particularly in light of the limited 15-day correction period we impose, will better ensure that universal service support is distributed first to the applicants who are determined by our rules to be most in need, and thus, further the goals of section 254. We caution, however, that even in the context of the schools and libraries program, the waivers here should not be read to mean that applicants will not be required in the future to comply fully with our procedural rules, which are vital to the efficient operation of the E-rate program. To ensure these issues are resolved expeditiously, we direct USAC to complete its review of the applications listed in the Appendices and issue an award or a denial based on a complete review and analysis no later than 60 days from release of this Order.

10. *Applications Denied for Failing to Meet the Minimum Processing Standards.* Sixty-three applicants were denied funding for failing to meet USAC’s minimum processing standards.<sup>26</sup> Some of these appeals involved clerical errors on the part of petitioners who inadvertently left portions of the FCC Form 470 or FCC Form 471 blank or made minor errors while completing the form.<sup>27</sup> Some petitioners

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<sup>25</sup> See 47 U.S.C. § 254(h).

<sup>26</sup> See Appendix C. We estimate that these 63 appeals involve applications for approximately \$34 million in funding for Funding Years 1999-2005 and note that these funds have already been collected and held in reserve. Also covered in this Order is one application that does not technically involve a minimum processing error. Alexander City Schools discovered it had incorrectly requested a lesser amount of money than it needed. Even though it promptly notified USAC of its error – within nine days – USAC found that because the correction was made after the close of the filing window, USAC could not correct the amount of funding. See Request for Review by Alexander City Schools.

<sup>27</sup> Request for Review by Alexander City Schools; Request for Review by Athens City Schools; Request for Review by Bay St. Louis-Waveland School District; Request for Review of Bucksport School Department; Request for Review of Calumet City School District No. 155; Request for Review of Clovis Unified School District; Request for Review and Waiver of Colegio San Antonio; Request for Review of Colton School District #53; Request for Review of Cooperative Educational Service Agency #12; Request for Review of Creighton School District; Request for Review of Elsa Public Library; Request for Review of Emery Unified School District; Request for Review of Fairfax County Public Schools; Request for Review of Forsyth County Public Library; Request for Review of Franklin Lakes School District; Request for Review of French Camp Academy; Request for Review of Henderson County Public Library; Request for Review of Hood River County School District; Request for Review of Incarnation School; Request for Review of Jackson District Library; Request for Review of Lawrence County School District; Request for Review of Leary Independent School District; Request for Review of Mabton School District 120; Request for Review of Marshfield Public Schools; Request for Review of Maumee City School District; Request for Review of McKittrick School District; Request for Review of Memphis City Schools; Request for Review of Mililani-Mauka Elementary School; Request for Review of Northampton Public Schools; Request for Waiver of Radford City Schools; Request for Review of Rangeley Public Library; Request for Review of Richards Independent Schools; Request for Review of Richford High School; Request for Review of Santa Cruz Catholic School; Request for Review of Sevier County Library; Request for Review of St. Joseph the Carpenter Schools; Request for Review of St. Lawrence Catholic School; Request for Review of St. Mary’s Academy; Request for Review of Suffolk Cooperative Library System; Request for Review of Sweetser; Request for Review of Teton County Library; Request for Review and Waiver of Toledo Academy of Learning; Request for Review of Unger Memorial Library; Request for Review of Upper Adams School District; Request for Review of Vidalia City School District; Request for Review of Volusia County Schools; Request for Review of West Genesee Central School District; Petition for Reconsideration of City of Newport News; Application for Review of Des Moines Public Schools; Petition for Reconsideration of King and Queen County Public Schools.

experienced technical problems, either with their own equipment or while interfacing with USAC's electronic filing mechanism, and failed to properly file electronically.<sup>28</sup> Other petitioners used outdated USAC forms.<sup>29</sup> Some other petitioners claim that the rules and instructions for filing an FCC Form 470 or FCC Form 471 are vague and unclear and that the resulting misunderstandings led to minor mistakes on their applications.<sup>30</sup> Finally, others maintain that they did not violate the minimum processing standards at all.<sup>31</sup>

11. Based on the facts and circumstances of these specific cases, we find that good cause exists to waive the minimum processing standards established by USAC. Minimum processing standards are necessary to ensure the efficient review of the thousands of applications requesting funding that USAC receives. In these circumstances, applicants committed minor errors in filling out their application forms. For example, among other problems, applicants inadvertently forgot to fill in a box, had computer problems, used an outdated form that requests primarily the same information as the current one, or misread the instructions. We do not believe that such minor mistakes warrant the complete rejection of each of these applicants' E-rate applications, especially given the requirements of the program and the thousands of applications filed each year.<sup>32</sup> Importantly, applicants' errors could not have resulted in an advantage for them in the processing of their application. That is, the applicants' mistakes, if not caught by USAC, could not have resulted in the applicant receiving more funding than it was entitled to. In addition, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that the denial of funding requests inflicts undue hardship on the applicants. In these cases, we find that the applicants have demonstrated that rigid compliance with the application procedures does not further the purposes of section 254(h) or serve the public interest.<sup>33</sup> We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.

12. *Applications Denied for Filing Outside the FCC Form 471 Filing Window.* We also have before us for consideration 103 appeals of USAC decisions that denied funding for applications that were filed outside of the FCC Form 471 filing window.<sup>34</sup> Some petitioners maintain that they submitted the

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<sup>28</sup> Request for Review of Burnt Hills-Ballston Lake Central School District; Request for Review of West Sioux Community School District.

<sup>29</sup> Request for Review by Perrysburg Exempt Village School; Request for Review by Lawrence County School District; Request for Review by Maumee City School District; Request for Review of Maine School Administrative District No. 36; Request for Review of Moencopi Day School.

<sup>30</sup> Request for Review of City of Boston; Request for Review of Department of Neighborhood Development; Request for Review of Tennessee School Boards Association; Application for Review of Paramus School District.

<sup>31</sup> Request for Review of Biblioteca Electronica de Rio Hondo; Request for Review of Sarah A. Reed Children's Center; Request for Review of South Winneshiek Community School District.

<sup>32</sup> The initial application is 14 pages long. See USAC website, Schools and Libraries Universal Service Description of Services Requested and Certification Form 470, available at [http://www.universalservice.org/\\_res/documents/sl/pdf/470.pdf](http://www.universalservice.org/_res/documents/sl/pdf/470.pdf).

<sup>33</sup> See 47 U.S.C. § 254(h).

<sup>34</sup> See Appendix B. We estimate that these 103 appeals involve applications for approximately \$30 million in funding for Funding Years 1999-2005, and note that these funds have already been collected and held in reserve. In the case of Fairfax School District R3, Minnesota Transition School, Minnewaska Area Schools, Our Lady of The Lake School, and St. Francis of Assisi School, the applicants had not yet submitted their completed FCC Forms 471 before filing their requests for review with the Commission but anticipated that their forms would be filed outside the FCC Form 471 filing window. See Request for Review of Fairfax School District R3; Request for Waiver of

relevant information on time.<sup>35</sup> Given that it is difficult to determine in these cases whether the error was the fault of the applicant, USAC or a third party, we give the applicants the benefit of the doubt. We find that a slight delay in USAC's receipt of the applications in each of these cases does not warrant the complete rejection of each of these applicants' E-rate applications. Therefore, we find that good cause exists to waive section 54.507 of the rules for these applications.<sup>36</sup>

13. The rest of the petitioners assert a waiver is appropriate for one of two reasons: either someone on the applicants' staff made a mistake or had a family emergency that prevented them from filing on time or the delay in the filing or receipt of the application was due to circumstances out of the applicants' control. Specifically, in the first group, some of these appeals involve applicants whose staff members inadvertently failed to file the application forms in a timely manner.<sup>37</sup> Another group of petitioners state that they were unable to comply with the filing deadline due to staff illness or relatives of staff members who were ill.<sup>38</sup> Other petitioners claim that the rules and instructions for filing an FCC

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Minnesota Transition School; Request for Waiver of Minnewaska Area Schools; Request for Waiver of Our Lady of The Lake School; Request for Waiver of St. Francis of Assisi School.

<sup>35</sup> Request for Review of Centerville School District 60-1; Request for Appeal of Colonial Intermediate Unit 20; Request for Review of Derby Public Schools; Request for Review of Ferndale Area School District; Request for Review of Kent City Schools; Request for Review of Mel Blount Youth Home; Request for Review of North Panola School District; Request for Review of Oglala Lakota Technology Consortium; Request for Review and Waiver of Perrysburg Exempt Village School District.

<sup>36</sup> See 47 C.F.R. § 54.507(c).

<sup>37</sup> Request for Waiver of Assabet Valley Regional Vocational School District; Request for Review of Barnwell County School District 45; Request for Review of Bath County School District; Request Waiver of Beavertown Community Library; Request for Review of Brown County School Corporation; Request for Review of Caruthers Unified School District; Request for Review of Central Catholic High School; Application for Review of Chawanakee Joint Elementary School District; Request for Review of Clearwater Memorial Library; Request for Waiver of Clinton County Board of Education; Request for Review of Coahoma County Public Schools; Requests for Review of Consorcio de Escuelas y Bibliotecas; Request for Review and Waiver of CPC Behavioral Healthcare; Request for Review of Delta County School District; Request for Review of Fairfax School District R3; Request for Review of Germantown School District; Request for Waiver of Hawaii State Public Library; Petitioner for Reconsideration of High Bridge Board of Education; Request for Waiver of Holmes District School Board; Request for Review of Hubbard Independent School District; Request for Waiver of Indian Oasis Baboquivari District 40; Request for Waiver of Island Trees Public Library; Request for Waiver of Jefferson School District; Request for Review of Los Alamitos Unified School District; Request for Review of Madera Unified School District; Request for Review of Malone Independent School District; Request for Waiver of McClure Community Library; Request for Waiver of Middleburg Community Library; Request for Waiver of Minnesota Transition School; Request for Waiver of Minnewaska Area Schools; Request for Review of Montfort & Allie B. Jones Memorial Library; Request for Waiver of Mount Ayr Community School District; Request for Waiver of Mount Saint John School; Request for Waiver of Mt. Carroll Township Public Library; Request for Review of Our Lady of Refuge; Request for Waiver of Pinon Dormitory; Request for Waiver of Queen of Apostles Catholic School; Request for Waiver of Richmond Public Library; Request for Review of Rylander Memorial School; Request for Waiver of Selinsgrove Community Library; Petitioner for Reconsideration of Siskiyow County Library; Request for Review of Southeast Delco School District; Request for Review of Southeastern Libraries Cooperating; Request for Review of St. Clement's Regional Catholic School; Request for Review of St. Elizabeth Interparochial School; Request for Waiver of St. Francis of Assisi School; Request for Waiver of SuperNet Consortium; Request for Waiver of Tiverton School Department; Request for Waiver Wabash Valley Educational Center; Request for Review of Wallington Public Schools; Request for Waiver of Walnut Community School District; Request for Waiver of Washington Local School District; Request for Waiver of Westside Holistic Family Services; Request for Review of Whitfield County School District; Request for Waiver of Wilkinson County School District; Request for Review of Wilson Memorial Library.

<sup>38</sup> Request for Waiver of Augusta County Library; Request for Review of Bonnie Brae Educational Center School; Request for Review of Garvey School District; Request for Waiver of Gaston County School District; Request for



Form 471 are vague and unclear and that the resulting misunderstandings led to forms being filed after the filing window.<sup>39</sup>

14. Based on the facts and circumstances of these specific cases, we find that good cause exists to waive the deadline for filing the FCC Form 471 found in section 54.507 of the Commission's rules.<sup>40</sup> Under Bureau precedent deadlines have been strictly enforced for the E-rate program,<sup>41</sup> including those pertaining to the FCC Form 471. We nevertheless find that good cause exists to waive the deadline in these cases. Generally, these applicants claim that staff mistakes or confusion resulted in the late filing of their FCC Form 471s. We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to positions dedicated to pursuing federal grants, especially in small school districts. Even when a school official has learned how to correctly navigate the application process, unexpected illnesses or other family emergencies can result in the only official who knows the process being unavailable to complete the application on time. Given that the violation at issue is procedural, not substantive, we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.<sup>42</sup> We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.

15. The second group of petitioners failed to file an FCC Form 471 in a timely manner due to circumstances beyond their control, such as school reorganizations or inclement weather.<sup>43</sup> Some petitioners state that technical problems, either with their own equipment or while interfacing with USAC's electronic filing mechanism, prevented the FCC Form 471s from being timely filed.<sup>44</sup> Other

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Waiver Millennium Community School; Request for Waiver of Northwest Institute for Contemporary Learning, Inc.; Request for Waiver of St. Mary's School; Petition for Reconsideration of Neches Independent School District; Request for Waiver of Unadilla Community School.

<sup>39</sup> Request for Waiver of Blackwell Public Schools; Request for Waiver of Brooklyn Jesuit Prep; Request for Review of Cecil County Public Schools; Request for Review of Colleton County School District; Request for Review of Jefferson City School District; Request for Review of Laporte School District 306; Request for Waiver of Nativity Mission School; Request for Review of Pierce City School District R6; Request for Waiver of St. Ignatius Academy.

<sup>40</sup> See 47 C.F.R. § 54.507(c).

<sup>41</sup> See, e.g., *Request for Review by Information Technology Department State of North Dakota, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-245592, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 7383, 7389, para. 13 (Wireline Comp. Bur. 2002) (*North Dakota Order*); *Request for Review by Wilmington Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-254818, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 12069, 12071, paras. 7-8 (Wireline Comp. Bur. 2002) (*Wilmington Public Schools Order*); *Request for Review by South Barber Unified School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-158897, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 18435, 18437-38, para. 7 (Com. Car. Bur. 2001) (*South Barber Order*).

<sup>42</sup> See 47 U.S.C. § 254(h).

<sup>43</sup> Request for Waiver of Design and Engineering Services; Request for Waiver of Nelson County Public Schools; Request for Waiver of Our Lady of the Lake School.

<sup>44</sup> Request for Waiver of A.C.E. Charter High School; Request for Review of American School for the Deaf; Request for Waiver of Associated Marine Institutes, Inc.; Request for Review of Clinton Public Schools; Request

petitioners claim that they attempted to mail their FCC Form 471s on time but that problems with a third-party carrier prevented the application from arriving in a timely manner.<sup>45</sup>

16. Based on the facts and circumstances of these specific cases, we find that good cause exists to waive the deadline for filing the FCC Form 471 found in section 54.507(c) of the Commission's rules.<sup>46</sup> Under Bureau precedent, deadlines have been strictly enforced for the E-rate program,<sup>47</sup> including those pertaining to the FCC Form 471. We nevertheless find that good cause exists to waive the deadline in these cases. Generally, these applicants claim that problems with third parties or circumstances outside their control resulted in the late filing of their FCC Form 471s. We find that, given that the violation at issue is procedural, not substantive, a complete rejection of each of these applications is not warranted, especially given that the error in these cases is not the fault of the applicants. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.<sup>48</sup> We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.

17. *Applications Denied for Failing to Certify FCC Form 470.* We also have before us for consideration 29 appeals of USAC decisions that denied funding for applications because their FCC Forms 470 were not certified or not certified before the close of the filing window.<sup>49</sup> Some of these appeals involve applicants whose staff members inadvertently failed to file the certification before the filing window closed.<sup>50</sup> Some petitioners state that technical problems, either with their own equipment or while interfacing with USAC's electronic filing mechanism, prevented the FCC Forms 470 from being certified.<sup>51</sup> Other petitioners claim that they attempted to mail their FCC Form 470s certifications but that

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for Waiver of Howard County School District; Requests for Waiver of Jemez Mountain School District; Request for Waiver of Leggett Valley Unified School District; Request for Review of Maine School Administrative District #36; Request for Review of Meriwether County School System; Request for Review of North East Independent School District; Request for Review of Saint John Grammar School; Request for Review of Trinity Christian School; Request for Review of Watson School District #56.

<sup>45</sup> Request for Waiver of Las Vegas City Schools; Request for Review of Loogootee Community School Corporation.

<sup>46</sup> See 47 C.F.R. § 54.507(c).

<sup>47</sup> See, e.g., *North Dakota Order*, 17 FCC Rcd at 7389, para. 13; *Wilmington Public Schools Order*, 17 FCC Rcd at 12071, paras. 7-8; *South Barber Order*, 16 FCC Rcd at 18437-38, para. 7.

<sup>48</sup> See 47 U.S.C. § 254(h).

<sup>49</sup> We estimate that these 29 appeals involve applications for approximately \$4 million in funding for Funding Years 1999-2005, and note that these funds have already been collected and held in reserve.

<sup>50</sup> Request for Waiver of Bishop Perry Middle School; Request for Review of Canby School District 891; Request for Review of Candler County Board of Education; Request for Review of Cassopolis Public School; Request for Review of Construction Careers Center; Request for Review of Dunmore School District; Request for Review of Fluvanna County School District; Request for Review of Interstate 35 Community School District; Request for Review of Lydia Bruun Woods Memorial Library; Request for Review of Mabton School District 120; Request for Review of New York State Office of Children & Family Services; Request for Review of Proctor Public Schools; Request for Review of Weld County School District Six.

<sup>51</sup> Request for Review of Fort Atkinson School District; Request for Waiver of Northwestern Local School District; Request for Review of Tewksbury Public Schools; Request for Review of Unified School District 443 Information Technologies Services; Request for Review of Weld County School District Re-3(J).

the FCC Form 470 was either lost by a third-party carrier or USAC.<sup>52</sup> Still other petitioners maintain that they complied with program rules.<sup>53</sup>

18. Based on the facts and circumstances of these specific cases, we find that good cause exists to waive the requirement that the certification be filed with FCC Form 470 for these applicants. Our rules require that applicants certify that certain eligibility and program requirements are met.<sup>54</sup> Specifically, the certifications include attestations that applicants have a current technology plan, if applicable; that they will conduct the competitive bidding process in accordance with Commission rules; that the applicant is an eligible school or library or consortium; that the funding will be used for educational purposes; that the applicant has not received anything of value from the service provider, other than the requested services, in connection with the request for services; that applicants have the necessary resources to use the services purchased effectively; that the signatory has the authority to submit the request on behalf of the applicant; that the applicant has complied with applicable federal, state and local procurement laws and that violations of the rules may result in suspension or debarment from the program.<sup>55</sup> These certifications on the FCC Form 470 are important to maintain the integrity of the E-rate program and are necessary to ensure that only eligible entities receive support under the program.

19. We find, however, that a missing certification does not constitute a substantive violation, but a procedural one. We emphasize that these applicants still must file the certifications, even though they are late, for their applications to be processed by USAC. The question here is one of timing. USAC denied these applications not because the applicants refused to sign the certification, but because it was not received by USAC by the filing deadline, which meant that the applications were incomplete. Many of the applicants thought they had complied with the requirements, but due to computer error or other third-party errors, the certifications did not reach USAC.

20. While the Bureau has enforced existing filing deadlines for the E-rate program,<sup>56</sup> we find that good cause exists to waive the procedural deadline in these cases. We find that given that the violation at issue is procedural, not substantive, we find that a complete rejection of each of these applications is not warranted, especially given that the error in these cases is not the fault of the applicants. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds or a failure to adhere to core program requirements revealed by the record in these matters. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.<sup>57</sup> We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.

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<sup>52</sup> Request for Review of Cook County School District 130; Request for Waiver of Creighton Community Public Schools; Request for Review of Gladwin County Library; Request for Review of Tamaroa Public School District #5; Request for Review of Welch Independent School District 17; Request for Review of Yeshiva Ktana of Passaic.

<sup>53</sup> Request for Review of Goose Creek Consolidated Independent School District; Request for Review of Morley-Stanwood Community School District; Request for Review of Sibley East Independent School District #2310; Request for Review of Temple Terrace Public Library.

<sup>54</sup> 47 C.F.R. § 54.504(b).

<sup>55</sup> *Id.*

<sup>56</sup> See, e.g., *North Dakota Order*, 17 FCC Rcd at 7389, para. 13; *Wilmington Public Schools Order*, 17 FCC Rcd at 12071, paras. 7-8; *South Barber Order*, 16 FCC Rcd at 18437-38, para. 7.

<sup>57</sup> See 47 U.S.C. § 254(h).

21. *North Dakota Petition for Reconsideration.* As part of this decision, we also grant a Petition for Reconsideration of an Order filed by the Information Technology Department of the State of North Dakota.<sup>58</sup> North Dakota mailed its FCC Form 471 certification after the deadline, but asserts that it did not understand when it needed to mail the certification after filing the application electronically.<sup>59</sup> In *North Dakota*, the Commission rejected North Dakota's arguments that a waiver of its filing requirements was warranted because of, *inter alia*, the complex nature of the application process and the detrimental effect the denial would have on the public schools and libraries in North Dakota.<sup>60</sup> The Commission stated that "the size and complexity of the application" did not establish good cause to waive the Commission's rules, and reiterated that all applicants are subject to the same filing rules, which are necessary for the program to be administered in an efficient and equitable basis.<sup>61</sup>

22. On reconsideration, we find that good cause exists to waive the deadline for filing the FCC Form 471. We now believe that, consistent with our reasoning above, a procedural violation should not have resulted in the rejection in North Dakota's entire application. Contrary to our earlier ruling, we note that our waiver standard allows us to consider hardship when analyzing whether particular facts meet the standard. We find here that denial of funding in this case would inflict undue hardship on the applicant. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds or a failure to adhere to core program requirements. Furthermore, we find that in this case, the applicant has demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.<sup>62</sup> For these reasons, we find that a waiver of our filing requirements is warranted, and we grant the Petition for Reconsideration filed by the Information Technology Department of the State of North Dakota.

23. *Additional Processing Directives for USAC.* As of the effective date of this Order, we require USAC to provide all E-rate applicants with an opportunity to cure ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications. Specifically, USAC shall inform applicants promptly in writing of any and all ministerial or clerical errors that are detected in their applications, along with a clear and specific explanation of how the applicant can remedy those errors. USAC shall also inform applications promptly in writing of any missing or incomplete certifications. Applicants shall have 15 calendar days from the date of receipt of notice in writing by USAC to amend or refile their FCC Form 470, FCC Form 471 or associated certifications.<sup>63</sup> USAC shall apply this directive to all pending applications and appeals even if such applications or appeals are no longer within the filing window. The 15-day period is limited enough to ensure that funding decisions are not unreasonably delayed for E-rate applicants and should be sufficient time to

<sup>58</sup> *Application for Review of a Decision by the Wireline Competition Bureau, Information Technology Department State of North Dakota, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-245592, CC Dockets No. 96-45 and 97-21, Order, 18 FCC Rcd 21521 (2003).

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*, 18 FCC Rcd at 21525-27, paras. 12, 17-18.

<sup>62</sup> See 47 U.S.C. § 254(h).

<sup>63</sup> Applicants will be presumed to have received notice five days after such notice is postmarked by USAC. USAC, however, shall continue to work beyond the 15 days with applicants attempting in good faith to amend their applications. This 15-day opportunity to refile or amend applications exists only where applicants have attempted to file their FCC Form 470 and FCC Form 471 within the filing window. If applicants miss the filing window entirely, they would need to file a request for waiver of the deadline with the Commission.

correct truly unintentional ministerial and clerical errors.<sup>64</sup> The opportunity for applicants to amend their filings to cure minor errors will also improve the efficiency and effectiveness of the Fund. Because applicants who are eligible for funding will now receive funding where previously it was denied for minor errors, we will ensure that funding is distributed first to the applicants who are determined by our rules to be most in need of funding. As a result, universal service support will be received by schools in which it will have the greatest impact for the most students. Furthermore, the opportunity to amend the application will improve the efficiency of the schools and libraries program. If USAC helps applicants file correct and complete applications initially, USAC should be able to reduce the money it spends on administering the fund because fewer appeals will be filed protesting the denial of funding for these types of issues. Therefore, we believe this additional opportunity to cure inadvertent administrative, ministerial, and clerical errors on applications will improve the administration of fund.

24. To complement this effort, USAC shall also develop a more targeted outreach program and educational efforts to inform and enlighten applicants on the various application requirements, including the application and certification deadlines, in an attempt to reduce these types of errors. We expect that the additional outreach and educational efforts will better assist E-rate applicants in meeting the program's requirements. Similarly, USAC shall develop a targeted outreach program designed to identify schools and libraries that have timely posted an FCC Form 470 on USAC's website but have failed to file the associated FCC Form 470 certification. USAC should also notify applicants that have filed an FCC Form 470, but have failed to file an FCC Form 471 or its certification by the close of the filing window. We believe such an outreach program will increase awareness of the filing rules and procedures and will assist applicants in filing complete and correct application. As we noted above, we believe that these changes will improve the overall efficacy of the program.

25. In addition, we note that, in the *Comprehensive Review NPRM*, we started a proceeding to address the concerns raised herein by, among other things, improving the application and disbursement process for the schools and libraries support mechanism.<sup>65</sup> Although we expect that the additional direction we have provided in this Order will help ensure that eligible schools and libraries can more effectively navigate the application procedures, this action does not obviate the need to take steps to reform and improve the program based on the record in the *Comprehensive Review* proceeding.

26. We emphasize the limited nature of this decision. As stated above, we recognize that filing deadlines and minimum processing standards are necessary for the efficient administration of the E-rate program. Although we grant the 196 subject appeals before us, our action here does not eliminate the minimum processing standards, or the deadlines for filing the FCC Form 470 and FCC Form 471, or certifications to the FCC Form 470 or 471. We continue to require E-rate applicants to submit complete and accurate information to USAC as part of the application review process. The direction we provide USAC will not lessen or preclude any application review procedures of USAC. All existing E-rate program rules and requirements will continue to apply, including USAC's minimum processing standards, the existing forms and documentation with the associated certifications, USAC's Program Integrity Assurance review procedures, and other processes designed to ensure applicants meet the applicable program requirements.

27. Finally, we are committed to guarding against waste, fraud, and abuse, and ensuring that funds disbursed through the E-rate program are used for appropriate purposes. Although we grant the appeals addressed here, we reserve the right to conduct audits and investigations to determine compliance

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<sup>64</sup> We note that applicants will retain the ability to appeal decisions denying funding requests on the grounds discussed herein.

<sup>65</sup> *Comprehensive Review NPRM*.

with the E-rate program rules and requirements. Because audits and investigations may provide information showing that a beneficiary or service provider failed to comply with the statute or Commission rules, such proceedings can reveal instances in which universal service funds were improperly disbursed or in a manner inconsistent with the statute or the Commission's rules. To the extent we find that funds were not used properly, we will require USAC to recover such funds through its normal processes. We emphasize that we retain the discretion to evaluate the uses of monies disbursed through the E-rate program and to determine on a case-by-case basis that waste, fraud, or abuse of program funds occurred and that recovery is warranted. We remain committed to ensuring the integrity of the program and will continue to aggressively pursue instances of waste, fraud, or abuse under our own procedures and in cooperation with law enforcement agencies.

#### **IV. ORDERING CLAUSES**

28. ACCORDINGLY, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 1.3 and 54.722(a), that the Requests for Review and Requests for Waiver of 47 C.F.R. §§ 54.507(c) and 54.504(b) filed by the petitioners as listed in Appendices A-C ARE GRANTED.

29. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 1.3 and 54.722(a), that the Requests for Review and/or Requests for Waiver filed by the petitioners as listed in Appendices A-C ARE REMANDED to USAC for further consideration in accordance with the terms of this Order.

30. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 1.3 and 54.722(a), that the Petition for Reconsideration filed by the Information Technology Department of the State of North Dakota IS GRANTED and IS REMANDED to USAC for further consideration in accordance with the terms of this Order.

31. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, USAC SHALL COMPLETE its review of each remanded application listed in the Appendices and issue an award or a denial based on a complete review and analysis no later than 60 days from release of this Order.

32. IT IS FURTHER ORDERED that this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary



**APPENDIX A**  
**Form 470 Certification Filing Violations**  
**Requests for Review and Waivers**

<b>Applicant</b>	<b>Application Number</b>	<b>Funding Year</b>	<b>Type of Appeal</b>
Bishop Perry Middle School New Orleans, LA	487170	2005	Request for Waiver
Canby School District 891 Canby, MN	414927, 401098, 412330	2004	Request for Review
Candler County Board of Education Metter, GA	314603	2002	Request for Review
Cassopolis Public School Cassopolis, MI	256502	2001	Request for Review and Waiver
Construction Careers Center St. Louis, MO	358508	2003	Request for Review
Cook County School District 130 Blue Island, IL	357892	2003	Request for Review
Creighton Community Public Schools Creighton, NE	356062	2003	Request for Waiver
Dunmore School District Dunmore, PA	391672	2004	Request for Review
Fluvanna County School District Palmyra, VA	360642	2003	Request for Review
Fort Atkinson School District Fort Atkinson, WI	366145, 366454, 366439, 366372	2003	Request for Review.
Gladwin County Library Gladwin, MI	219040	2001	Request for Review
Goose Creek Consolidated Independent School District Baytown, TX	320463	2002	Request for Review
Hart County School System Hartwell, GA	395563	2004	Request for Review
Interstate 35 Community School District Truro, IA	479137	2005	Request for Waiver

Lydia Bruun Woods Memorial Library Falls City, NE	403265	2004	Request for Review
Mabton School District 120 Mabton, WA	461518, 461467, 461451	2005	Request for Review
Morley-Stanwood Community School District Morley, TX	378662	2003	Request for Review.
New York State Office of Children & Family Services Rensselaer, NY	376340	2003	Request for Review
Northwestern Local School District West Salem, OH	412995	2004	Request for Waiver
Proctor Public Schools Proctor, MN	235170	2001	Request for Review
Sibley East Independent School District #2310 Arlington, MN	297751	2003	Request for Review
Tamaroa Public School District #5 Tamaroa, IL	340729	2003	Request for Review
Temple Terrace Public Library Temple Terrace, FL	449438	2005	Request for Review
Tewksbury Public Schools Tewksbury, MA	308197	2002	Request for Review
Unified School District 443 Information Technologies Services Dodge City, KS	403217	2004	Request for Review
Welch Independent School District 17 Welch, OK	349714	2003	Request for Review
Weld County School District Re-3(J) Keenesburg, CO	421281, 421385, 421459, 422351, 422888, 423983, 425168, 425369, 425597, 426534, 426996, 427565, 428856, 428987, 429298, 429353, 429469, 429523, 429771, 430370, 430435, 430531, 430671, 431114, 429771, 432087, 432271, 432519, 432845, 433034	2004	Request for Review

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Weld County School District Six Greeley, CO	402863	2004	Request for Review.
Yeshiva Ktana of Passaic Passaic, NJ	259799	2001	Request for Review

**APPENDIX B**  
**Form 471 Filed Outside of Filing Window**

<b>Applicant</b>	<b>Application Number</b>	<b>Funding Year</b>	<b>Type of Appeal</b>
A.C.E. Charter High School Tucson, AZ	487210, 487191	2005	Request for Waiver
American School for the Deaf Hartford, CT	473646	2005	Request for Review
Assabet Valley Regional Vocational School District Marlborough, MA	491686	2005	Request for Waiver
Associated Marine Institutes, Inc. Tampa, FL	482146, 474721, 476843, 480311, 480629, 480704, 480839, 480974, 481068, 478721, 479527, 481139, 479447, 478855, 478807, 479065, 480958, 475981, 481275, 479475, 479808, 480767, 480119, 474565, 475800, 480552, 476450, 474803, 475320, 475366, 475462, 475714, 480017, 474863, 475160, 479642, 481199, 476646, 472798, 475270, 480246, 476050, 481303, 474970, 479744, 480432, 474296, 471758, 474316, 474338, 474309, 474304	2005	Request for Waiver
Augusta County Library Fishersville, VA	435101	2004	Request for Waiver
Barnwell County School District 45 Barnwell, SC	484610	2005	Request for Review
Bath County School District Owingsville, KY	392300	2004	Request for Review
Beavertown Community Library Beavertown, PA	488228	2005	Request for Waiver
Blackwell Public Schools Blackwell, OK	467916	2005	Request for Waiver

Blackwell Public Schools Blackwell, OK	467924	2005	Request for Waiver
Bonnie Brae Educational Center School Liberty Corner, NJ	486975	2005	Request for Review
Brooklyn Jesuit Prep Brooklyn, NY	480763, 481479	2005	Request for Waiver
Brown County School Corporation Nashville, IN	423655	2004	Request for Review
Caruthers Unified School District Caruthers, CA	229344	2001	Request for Review
Cecil County Public Schools Elkton, MD	465857	2005	Request for Review
Centerville School District 60-1 Centerville, SD	342315	2003	Request for Review
Central Catholic High School Toledo, OH	393964	2004	Request for Review
Clearwater Memorial Library Orofino, ID	361785	2003	Request for Review
Clinton County Board of Education Albany, KY	367905	2003	Request for Waiver
Clinton Public Schools Clinton, AR	475637	2005	Request for Review
Coahoma County Public Schools Clarksdale, MS	477513	2005	Request for Review
Colleton County School District Walterboro, SC	455022	2005	Request for Review
Colonial Intermediate Unit 20 Easton, PA	444367	2005	Request for Appeal
Consortio de Escuelas y Bibliotecas de Puerto Rico San Juan, PR	124 individual applicants— see below	2001	Request for Review
CPC Behavioral Healthcare Neptune, NJ	432289	2004	Request for Request for Waiver

Delta County School District Delta, CO	420245 424408	2004	Request for Review
Derby Public Schools Derby, CT	485648	2005	Request for Review
Design and Engineering Services The Navajo Nation Window Rock, AZ	477250, 486357, 483251	2005	Request for Waiver
Fairfax School District R3 Fairfax, MO	456149	2005	Request for Review
Ferndale Area School District Johnstown, PA	368645	2003	Request for Review
Garvey School District Rosemead, CA	492144, 492103	2005	Request for Review
Gaston County School District Gastonia, NC	487076	2005	Request for Waiver
Germantown School District Appleton, WI	488530	2005	Request for Review
Hawaii State Public Library Honolulu, HI	351332, 351403, 372750, 372786, 372857, 372883, 372950, 372980, 373018, 373092, 373221, 373245, 373271, 373305, 373421, 373443, 373654, 373664, 373676, 373688, 373703, 373717, 373792, 373816, 375664, 375707, 376842, 377120	2003	Request for Waiver
Holmes District School Board Bonifay, FL	463914	2005	Request for Waiver
Howard County School District Owings Mills, MD (filed by E-Rate Elite Services, Inc.)	310851	2002	Request for Waiver
Hubbard Independent School District Hubbard, TX	485763	2005	Request for Review
Indian Oasis Baboquivari District 40 Sells, AZ	435737	2004	Request for Waiver
Island Trees Public Library Island Trees, NY	487206	2005	Request for Waiver

Jefferson City School District Jefferson, GA	434189	2004	Request for Review
Jefferson School District Daly City, CA	489764	2005	Request for Waiver
Jemez Mountain School District Gallina, NM	480502	2005	Request for Waiver
Jemez Mountain School District Gallina, NM	481827	2005	Request for Waiver
Kent City Schools Kent, OH	231188	2001	Request for Review
Laporte School District 306 Laporte, MN	487654	2005	Request for Review
Las Vegas City Schools Las Vegas, NM	405536	2004	Request for Waiver
Leggett Valley Unified School District Leggett, CA	538735	2006	Request for Waiver
Loogootee Community School Corporation Loogootee, IN	454754, 455222	2005	Request for Review
Los Alamitos Unified School District Los Alamitos, CA	364589	2003	Request for Review
Madera Unified School District Madera, CA	230938	2001	Request for Review
Maine School Administrative District #36 Livermore Falls, ME	487135	2005	Request for Review
Malone Independent School District Malone, TX	458773	2005	Request for Review
McClure Community Library McClure, PA	488239	2005	Request for Waiver
Mel Blount Youth Home Vidalia, GA	378809	2003	Request for Review
Meriwether County School System Greenville, GA	488532, 488630, 488634, 488637, 488639	2005	Request for Review
Middleburg Community Library Middleburg, PA	487961	2005	Request for Waiver



Millennium Community School Columbus, OH	419137	2004	Request for Waiver
Minnesota Transition School Minneapolis, MN	383596	2003	Request for Waiver
Minnewaska Area Schools Glenwood, MN	FCC Form 470 Number 688010000570286	2006	Request for Waiver
Montfort & Allie B. Jones Memorial Library Bristow, OK	398439	2004	Request for Review
Mount Ayr Community School District Mount Ayr, IA	487717	2005	Request for Waiver
Mount Saint John School Deep River, CT	458882	2005	Request for Waiver
Mt. Carroll Township Public Library Mt. Carroll, IL	358693	2003	Request for Waiver
Nativity Mission School New York, NY	480269	2005	Request for Waiver
Nelson County Public Schools Lovingston, VA	433422	2004	Request for Waiver
North East Independent School District San Antonio, TX	472357, 472537, 454936, 446694	2005	Request for Review
North Panola School District Sardis, MS	484781, 485017, 482009, 483905	2005	Request for Review
Northwest Institute for Contemporary Learning, Inc. Chicago, IL	470821	2005	Request for Waiver
Oglala Lakota Technology Consortium Porcupine, SD	435405	2004	Request for Review
Our Lady of Refuge Brooklyn, NY	346749	2003	Request for Review
Our Lady of The Lake School Mandeville, LA	FCC Form 470 Number 607530000583035	2006	Request for Waiver
Perrysburg Exempt Village School District Perrysburg, OH	433571	2004	Request for Review and Waiver

Pierce City School District R6 Pierce City, MI	260567	2001	Request for Waiver
Pinon Dormitory Pinon, AZ	482087	2005	Request for Waiver
Queen of Apostles Catholic School Alexandria, VA	486686	2005	Request for Waiver
Richmond Public Library Richmond, VA	433700	2004	Request for Waiver
Rylander Memorial Library San Saba, TX	458867	2005	Request for Review
Saint John Grammar School Orange, NJ	384182	2003	Request for Review
Selinsgrove Community Library Selinsgrove, PA	487907	2005	Request for Waiver
Southeast Delco School District Folcroft, PA	421728, 421881	2004	Request for Review
Southeastern Libraries Cooperating Rochester, MN	251453	2001	Request for Review
St. Clement's Regional Catholic School Saratoga Springs, NY	386976	2004	Request for Review
St. Elizabeth Interparochial School Wyckoff, NJ	409287	2004	Request for Review
St. Francis of Assisi School Brooklyn, NY	FCC Form 470 Number 450810000564257	2006	Request for Waiver
St. Ignatius Academy New York, NY	484436	2005	Request for Waiver
St. Mary's School Leipsic, OH	488671	2005	Request for Waiver
SuperNet Consortium Whitehouse, TX	460573	2005	Request for Waiver
Tiverton School Department Tiverton, RI	487097	2005	Request for Waiver

Trinity Christian School Fayetteville, NC	432746	2004	Request for Review
Unadilla Community School Unadilla, NE	487072	2005	Request for Waiver
Wabash Valley Educational Center West Lafayette, IN	485945	2005	Request for Waiver
Wallington Public Schools Wallington, NJ	40909	2004	Request for Waiver
Walnut Community School District Walnut, IA	402680	2004	Request for Waiver
Washington Local School District Toledo, OH	434128	2004	Request for Review
Watson School District #56 Watson, OK	394230, 398535	2004	Request for Review
Westside Holistic Family Services Chicago, IL	470792	2005	Request for Waiver
Whitfield County School District Dalton, GA	387068	2004	Request for Review
Wilkinson County School District Irwinton, GA	415952, 416125, 423714, 430873, 431049, 431202	2004	Request for Waiver
Wilson Memorial Library Keota, IA	386222	2003	Request for Review

**Form 471 Filed Outside of Filing Window  
Petitions for Reconsideration**

Chawanakee Joint Elementary School District North Fork, CA	229391	2001	Application for Review
High Bridge Board of Education High Bridge, NJ	328078	2002	Petition for Reconsideration
Neches Independent School District Neches, TX	325411	2002	Petition for Reconsideration
Siskiyou County Library Yreka, CA	325514	2002	Petition for Reconsideration

List of Appellants included as  
Consortio de Escuelas y Bibliotecas  
de Puerto Rico  
San Juan, Puerto Rico

**Applicant:**<sup>66</sup>

Academia Adventista de Florida  
Academia Adventista de Mucarabones  
Academia Adventista del Centro Ramon Rivera Perez  
Academia Adventista de Maunabo  
Academia Adventista del Naguabo  
Academia Adventista del Noreste  
Academia Adventista del Norte  
Academia Adventista del Oeste  
Academia Adventista del Suroeste  
Academia Adventista Metropolitana  
Academia Alexandra  
Academia Cayey  
Academia Cristiana Un Nuevo Amanecer  
Academia de Enseñanza Moderna, Inc.  
Academia Paraiso de Dorado  
Academia Pentecostal Bethel  
Academia Presbiteriana Reverendo Juan E. Mercado  
Academia Primaria  
Academia Regional Adventista Central  
Academia Regional Adventista del Este  
Academia Regional Adventista del Norte  
Academia Regional Adventista del Sur

**SLD File No.:**

227675  
228865  
228164  
228926  
228944  
228190  
228207  
228216  
228253  
228978, 260779  
228742  
228908  
255896  
232429  
232305  
228265  
231427  
228886  
228996  
229001  
229028  
229041

<sup>66</sup> Applicant names are listed as they appeared on the FCC Form 471 under appeal, and differ in some cases from the names as they appeared in the pleadings. In addition, two applicants appearing in the pleadings, Biblioteca Publica Aguas Buenas and Colegio Congregacion Mita, are not listed because there is no record of these parties having submitted an application in Funding Year 2001.

Academia Sabana Llana	228960
Academia Santa Rosa de Lima	228760
Academia Santo Tomas de Aquino Elemental	229432
Academia Santo Tomas de Aquino Superior	229409
Bella Vista Adventist Academy	228788
Biblioteca Electronica Bo, Esperanza	260586
Biblioteca Electronica Municipio Autonomo de Carolina	260589
Biblioteca Electronica Municipio de Area Aibonito	243702
Biblioteca Municipal Caguas	236507
Biblioteca Municipal de Bayamon, Dr Agustin Stahl	243770
Biblioteca Municipal de Bayamon, Pilar Barbosa	244366
Biblioteca Municipal de Boquillas	244127
Biblioteca Municipal de Catano, Alberto Davila Fuentes	243846
Biblioteca Municipal de Cortes	244139
Biblioteca Municipal de Guaynabo	243958
Biblioteca Municipal de Juncos, Jose M Gallardo	244067
Biblioteca Municipal de Montebello	244183
Biblioteca Municipal de Pugnado	244159
Biblioteca Municipal de Quebradillas	260161
Biblioteca Municipal Ernesto Cora Vega	243810
Biblioteca Municipal Las Piederas	243153
Biblioteca Municipal Manati Francisco Alvarez Marrero	236736
Biblioteca Municipal Mayaguez	233513
Biblioteca Pedro Albizu Campos	236517, 244880, 254526
Biblioteca Publica Adjuntas	234495
Biblioteca Publica Aguada	237665
Biblioteca Publica Anasco-Manuel Guzman	233108
Biblioteca Publica Arecibo	243713
Biblioteca Publica Barceloneta	233178
Biblioteca Publica Camuy	237339
Biblioteca Publica Camuy, Bo. Quebrada	236860
Biblioteca Publica Cayey	237615
Biblioteca Publica Celba	236715
Biblioteca Publica Ciales	237413
Biblioteca Publica Cidra	243862
Biblioteca Publica Coamo	237300
Biblioteca Publica Comeio	260354
Biblioteca Publica de Area Corozal	237386
Biblioteca Publica de Arroyo	243758
Biblioteca Publica de Culebra	237506
Biblioteca Publica de Luquillo	244455, 260451
Biblioteca Publica Fajardo	243897
Biblioteca Publica Guanica	243933
Biblioteca Publica Guayama	236689
Biblioteca Publica Guayanilla	234409
Biblioteca Publica Gurabo	237594
Biblioteca Publica Hatillo	237581
Biblioteca Publica Humacao	244008
Biblioteca Publica Jayuya	237466
Biblioteca Publica Lajas	237564
Biblioteca Publica Las Marias	244104

Biblioteca Publica Loiza	233070
Biblioteca Publica Maricao	233628
Biblioteca Publica Maricao-Indiana Alta	237436
Biblioteca Publica Maunabo, Rafael Rodriguez Gonzales	260104
Biblioteca Publica Municipal Computarizada de Naranjito	260232
Biblioteca Publica Penuelas	244332
Biblioteca Publica Rio Grande	236756
Biblioteca Publica Sabana Grande	237551
Biblioteca Publica Salinas	244170
Biblioteca Publica San Juan-Cantera Rosa Sanchez	236946
Biblioteca Publica San Juan-La Peria	244233, 260772
Biblioteca Publica San Lorenzo	236812
Biblioteca Publica Santa Isabel Pedro M Alomar	237746
Biblioteca Publica Toa Alta	244264
Biblioteca Publica Toa Baja	233246, 237587
Biblioteca Publica Utuado	244326
Biblioteca Publica Vieques	237716
Biblioteca Publica Villalba	236778
Biblioteca Publica Yabucoa	244349
Biblioteca Publica Yauco	237499
Biblioteca San Sebastian	244244
Colegio Bilingue Light Of The Children	228801
Colegio Catolico Notre Dame Elemental	214568, 229355
Colegio Catolico Notre Dame Secundario	229379
Colegio Cedi	232404
Colegio Emmanuel, Inc.	232226
Colegio Immaculada Concepcion	229197
Colegio Nacional	232314
Colegio Nuestra Senora del Carmen	229214
Colegio Nuestra Senora del Rosario – Ciales	229122
Colegio Nuestra Senora del Rosario – Vega Baja	229226
Colegio Presbiteriano San Sebastian	230479
Colegio Sagrada Familia	229244
Colegio San Antonio	228813
Colegio San Felipe	229093
Colegio San Jose	229291
Colegio San Juan Bautista	223597, 229170
Colegio San Juan Bosco	224671, 229127, 29137
Colegio San Miguel Elemental	222815, 229075
Colegio San Miguel Secundario	222816, 229059
Colegio San Rafael	222317, 225416, 229329, 260627
Colegio San Vicente Ferrer	230419
Colegio Sana Rosa Superior	231235
Colegio Santa Rosa Elemental	230444
Colegion Congregación Mita	255793
Escuela Evangelica Unida de Fajardo	231480
Fajardo Community Private School	232444
Hogar Colegio La Milagrosa	229145
Liceo Aguadillano	228839
Piaget Bilingual Academy Of Manati	258270
Saint Patrick's Bilingual School	232457

**APPENDIX C**  
**Minimum Processing Standards Violations**

<b>Applicant</b>	<b>Application Number</b>	<b>Funding Year</b>	<b>Type of Appeal</b>
Alexander City Schools Alexander City, AL	440884	2005	Request for Review
Athens City Schools Athens, TN	476573	2005	Request for Review
Bay St. Louis-Waveland School District Bay St. Louis, MS	434001, 434002, 434003, 434008	2004	Request for Review
Biblioteca Electronica de Rio Hondo Comerio, PR	489565	2005	Request for Review
Bucksport School Department Bucksport, ME	471929	2005	Request for Review
Burnt Hills-Ballston Lake Central School District Scotia, NY	434258	2004	Request for Review
Calumet City School District No. 155 Calumet City, IL	442354	2005	Request for Review
City of Boston, Department of Neighborhood Development Boston, MA	330664	2002	Request for Review
Clovis Unified School District Clovis, CA	320217	2002	Request for Review
Colegio San Antonio Isabela, PR	434925	2004	Request for Review and Waiver
Colton School District #53 Colton, OR	434227	2004	Request for Review
Cooperative Educational Service Agency #12 Ashland, WI	481695	2005	Request for Review
Creighton School District Phoenix, AZ	471774	2005	Request for Review
Elsa Public Library Elsa, TX	472948	2005	Request for Review



Emery Unified School District Emeryville, CA	386068	2003	Request for Review
Fairfax County Public Schools Arlington, VA	NEC.471.03-13- 00.29600003	1999	Request for Review
Forsyth County Public Library Winston-Salem, NC	386053	2003	Request for Review
Franklin Lakes School District Franklin Lakes, NJ	438092	2003	Request for Review
French Camp Academy French Camp, MS	386007	2003	Request for Review
Henderson County Public Library Lexington, TN	489560	2005	Request for Review
Hood River County School District Hood River, Oregon	463073	2004	Request for Review
Incarnation School Queens Village, NY	484104	2005	Request for Review
Jackson District Library Jackson, MI	386004	2003	Request for Review
Lawrence County School District Monticello, MS	423967, 424237	2004	Request for Review
Leary Independent School District Hooks, TX	386045	2003	Request for Review
Leary School of Virginia Alexandria, VA	429541	2004	Request for Review
Mabton School District 120 Mabton, WA	330366, 331297	2002	Request for Review
Maine School Administrative District No.36 Livermore Falls, ME	434452	2004	Request for Review
Marshfield Public Schools Marshfield, MA	454206	2005	Request for Review
Maumee City School District Maumee, OH	433796	2004	Request for Review

McKittrick School District McKittrick, CA	457558	2005	Request for Review
Memphis City Schools Memphis, TN	386323	2003	Request for Review
Mililani-Mauka Elementary School Mililani, HI	435235	2004	Request for Review
Moencopi Day School Tuba City, AZ	388623	2004	Request for Review
Northampton Public Schools Northampton, MA	434124	2004	Request for Review
Radford City Schools Radford, VA	328239	2002	Request for Review
Rangeley Public Library Rangeley, ME	412504	2004	Request for Review
Richards Independent Schools Richards, Texas	466139, 466553	2005	Request for Review
Richford High School Richford, VT	478956	2005	Request for Review
Santa Cruz Catholic School Tucson, AZ	477761	2005	Request for Review
Sarah A. Reed Children's Center Erie, PA	478696	2005	Request for Review
Sevier County Library De Queen, AR	489555	2005	Request for Review
South Winneshiek Community School District Calmar, IA	434742	2004	Request for Review
St. Lawrence Catholic School Tampa, FL	364085	2003	Request for Review
St. Joseph the Carpenter School Cranford, New Jersey	293467	2002	Request for Review
St. Mary's Academy Champlain, NY	464088	2005	Request for Review

Suffolk Cooperative Library System, Bellport, NY	206068	1999	Request for Review
Sweetser Saco, Maine	472924	2005	Request for Review
Tennessee School Boards Association Nashville, TN	331527	2002	Request for Review
Teton County Library Jackson, WY	386021	2003	Request for Waiver
Toledo Academy of Learning Toledo, OH	472874	2005	Request for Review and Waiver
Unger Memorial Library Plainview, Texas	457480	2005	Request for Review
Upper Adams School District Biglerville, PA	384741	2003	Request for Review
Vidalia City School District Vidalia, GA	435029	2004	Request for Review
Vidalia City School District Vidalia, GA	462880	2005	Request for Review
Vidalia City Schools Vidalia, GA	435053	2004	Request for Review
Volusia County Schools DeLand, FL	264583	2001	Request for Review
West Genesee Central School District Syracuse, NY	146585	1999	Request for Review
West Sioux Community School District Hawarden, IA	435404	2004	Request for Review

**Minimum Processing Standards Violations  
Petition for Reconsideration**

City of Newport News Newport News, VA	NEC.471.12-16- 99.2700001	2000	Petition for Reconsideration
Des Moines Public Schools Des Moines, IA	267486	2001	Application for Review

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King and Queen County Public Schools King and Queen Courthouse, VA	NEC.471.01-19- 00.05000968	2000	Petition for Reconsideration
Paramus School District Paramus, NJ (filed by Thomas Communications & Technologies, LLC)	386049	2003	Application for Review

**SEPARATE STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

Re: *Request for Review of the Decision of the Universal Service Administrator by  
Bishop Perry Middle School New Orleans, LA, et al.; Schools and Libraries Universal Service  
Support Mechanism, Order (File Nos. SLD-487170, et al., CC Docket No. 02-6)*

E-Rate plays a decisive role in providing schools and libraries with the communications tools they need for our children and communities to compete and prosper in this digital age. Because access to E-Rate is so important, we need to be dead serious about rooting out abuses and punishing those few bad actors who would exploit the program. But that is not the case in the select appeals before the Commission today. Clearly, these cases are not about waste, fraud or abuse. These are about limited, and I believe, relatively minor ministerial errors. When a school inadvertently provides the right information on a slightly dated but virtually identical form, when technical problems prevent an applicant from interfacing with USAC's electronic filing system and when a third-party carrier prevents an application from arriving in a timely manner, flat-out funding denial is a harsh consequence. It can be especially harsh when, as was the case in one application here, a minor clerical error led to a denial of E-Rate funding for an entire state. In fact, it becomes hard to square denial for slight clerical errors like these with our duties under the statute to further the deployment of advanced services. For these reasons, I support today's decision.